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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

JASON KANDER
SECRETARY OF STATE

MISSOURI REGISTER

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IN THIS ISSUE:

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
July 1, 2014	**August 1, 2014**	August 31, 2014	September 30, 2014
July 15, 2014	**August 15, 2014**	August 31, 2014	September 30, 2014
August 1, 2014	**September 2, 2014**	September 30, 2014	October 30, 2014
August 15, 2014	**September 15, 2014**	September 30, 2014	October 30, 2014
September 2, 2014	**October 1, 2014**	October 31, 2014	November 30, 2014
September 15, 2014	**October 15, 2014**	October 31, 2014	November 30, 2014
October 1, 2014	**November 3, 2014**	November 30, 2014	December 30, 2014
October 15, 2014	**November 17, 2014**	November 30, 2014	December 30, 2014
November 3, 2014	**December 1, 2014**	December 31, 2014	January 30, 2015
November 17, 2014	**December 15, 2014**	December 31, 2014	January 30, 2015
December 1, 2014	**January 2, 2015**	January 29, 2015	February 28, 2015
December 15, 2014	**January 15, 2015**	January 29, 2015	February 28, 2015
January 2, 2015	**February 2, 2015**	February 28, 2015	March 30, 2015
January 15, 2015	**February 17, 2015**	February 28, 2015	March 30, 2015
February 2, 2015	**March 2, 2015**	March 31, 2015	April 30, 2015
February 17, 2015	**March 16, 2015**	March 31, 2015	April 30, 2015
March 2, 2015	**April 1, 2015**	April 30, 2015	May 30, 2015
March 16, 2015	**April 15, 2015**	April 30, 2015	May 30, 2015
April 1, 2015	**May 1, 2015**	May 31, 2015	June 30, 2015
April 15, 2015	**May 15, 2015**	May 31, 2015	June 30, 2015

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 4—Vendor Payroll Deduction Regulations

EMERGENCY AMENDMENT

1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions. The commissioner is amending subsection (2)(G) and deleting section (5).

PURPOSE: This amendment makes changes to the solicitation by voluntary vendors of products and services to state employees in state facilities.

EMERGENCY STATEMENT: This emergency amendment must be effective January 1, 2015, when the new plan year begins. Due to changes in federal law, voluntary vendors are being removed from participation in the cafeteria plan to avoid financial penalties. This regulation is being amended to reflect the changes in the cafeteria plan regulation. All other regulations relating to the voluntary vendors that are eligible to participate in a cafeteria plan per Section 125 of Title 26 of the United States Code remain the same. Voluntary vendors and products that are eligible per the aforementioned section will retain the ability to enter state buildings to solicit employees for their eligible products.

A proposed amendment which covers this same material is published in this issue of the ***Missouri Register****. This emergency amendment complies with the protections extended by the* ***Missouri*** *and* ***United States Constitutions*** *and limits its scope to the circumstances creating the emergency. The Office of Administration follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed October 1, 2014, becomes effective January 1, 2015, and expires June 29, 2015.*

(2) The following requirements apply to payroll deductions:

(G) Solicitation by a vendor of signed employee applications or memberships may not be performed in state facilities at any time with the exception of *[qualified]* vendor products *[for the cafeteria plan and regulations under 1 CSR 10-15.010]* **that are eligible under Section 125 of Title 26 of the United States Code and compliant with 1 CSR 10-15.010 and section 33.103, RSMo**;

[(5) The commissioner of administration may include as an option in the state cafeteria plan any authorized voluntary payroll deduction product that is eligible under Section 125 of Title 26 of the United States Code and compliant with the state cafeteria plan rule 1 CSR 10-15.010.]

AUTHORITY: sections 33.103, 536.010, and 536.023, RSMo Supp. [2007] ***2013,*** *and section 370.395, RSMo 2000. Original rule filed May 15, 1990, effective Sept. 28, 1990. For intervening history, please consult the* ***Code of State Regulations****. Emergency amendment filed Oct. 1, 2014, effective Jan. 1, 2015, expires June 29, 2015. A proposed amendment covering this same material is published in this issue of the* ***Missouri Register****.*

Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 15—Cafeteria Plan

EMERGENCY AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The commissioner is amending sections (1), (2), and (3) and replacing the *Cafeteria Plan for the Employees of the State of Missouri* document referred to in section (2) with an updated version.

PURPOSE: This amendment makes changes to the benefits available to state and other public entity employees under the State of Missouri's cafeteria plan (the plan).

EMERGENCY STATEMENT: This emergency amendment must be effective January 1, 2015, when the new plan year begins. If this amendment were not enacted as an emergency, the plan administrator could face fees for non-compliance with federal law. This amendment provides for two (2) changes to the plan that, if not made, could result in significant adverse consequences. One (1) change removes voluntary medical, dental, or vision from the premium payment plan portion of the plan. Another change limits employees' eligibility to participate in the flexible medical spending account to only those employees who are eligible for coverage under a state sponsored health care plan. These changes are required by the Patient Protection Affordable Care Act (PPACA) that passed in 2010. The Internal Revenue Service (IRS) issued interpretive guidance (Notice 2013-54) on the application of market reform and other provisions of PPACA relating to health flexible spending accounts and other employer healthcare arrangements. The guidance explains that certain employer healthcare arrangements and flexible spending accounts could fall under the requirements of market reform. When a benefit is subject to market reform, then those benefits must provide preventive services as part of its plan. Voluntary plans, as listed above, are designed to be in addition to the state sponsored plans and thereby do not provide preventive services. Similarly, if flexible spending accounts eligibility were not changed, then those

accounts would be treated as a health plan and become subject to market reform thereby requiring preventive services as well. Neither of these benefits are designed to be a stand-alone health plan, accordingly preventive services are not included. This emergency amendment will serve the compelling governmental interest of ensuring that the plan remains compliant with IRS requirements. Remaining compliant is critical because the plan currently serves more than sixty-four thousand (64,000) state of Missouri and other public employees. If the plan did not comply it would be forced to pay the Patient-Centered Outcomes Research Institute Fee (PCORI) as a result of non-compliance, the plan would pay a fee of two dollars ($2) per participant per plan year.

A proposed amendment which covers this same material is published in this issue of the ***Missouri Register****. This emergency amendment complies with the protections extended by the* ***Missouri*** *and* ***United States Constitutions*** *and limits its scope to the circumstances creating the emergency. The Office of Administration follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed October 1, 2014, becomes effective January 1, 2015, and expires June 29, 2015.*

(1) The cafeteria plan for state employees, authorized by section 33.103, RSMo, shall contain the following items:

(A) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost**,** *[or]* premium **or health savings account contribution** for coverage under any *[plan or program]* **state sponsored health plan** which provides medical benefits or health insurance to or on behalf of any employee or spouse or dependent in the event of illness or personal injury to the employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(D) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any *[plan or program]* **state sponsored health plan** which provides dental benefits or dental insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(E) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any *[plan or program]* **state sponsored health plan** which provides vision care benefits or vision care insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee; and

(2) The commissioner of administration shall maintain the cafeteria plan, *[the dependent care assistance plan, and the flexible medical benefits plan,]* in written form, denominated as the *Cafeteria Plan for the Employees of the State of Missouri* included herein.

(3) Voluntary payroll vendors *[that have qualified for inclusion in the Missouri State Employees' Cafeteria Plan under rules set forth in this section and 1 CSR 10-4.010]* **whose products meet the qualifications of Section 125 of Title 26 of the United States Code and section 33.103, RSMo** must meet the following criteria for solicitation of business on state property:

(B) The vendor may only present the products that *[have qualified for the cafeteria plan]* **qualify under Section 125 of Title 26 of the United States Code and section 33.103, RSMo**;

See ***Appendix A Missouri State Employees' Cafeteria Plan Document*** *printed with the proposed amendment on pages 1660–1729 of this issue of the* ***Missouri Register****.*

AUTHORITY: section 33.103, RSMo Supp. ***[2012] 2013****. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the* ***Code of State Regulations****. Emergency amendment filed Oct. 1, 2014, effective Jan. 1, 2015, expires June 29, 2015. A proposed amendment covering this same material is published in this issue of the* ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.005 Preemption of All Ordinances and Rules of Political Subdivisions

PURPOSE: Outlines the preemption of existing ordinances, rules, and regulations relating to Missouri cannabidiol oil rules.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitution****. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) Section 261.265 and promulgated rules shall preempt all ordinances, rules, and regulations of political subdivisions relating to the use of subjects covered by said sections.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.010 Definitions

PURPOSE: Defines regulatory terms.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) Act—the Missouri Hemp Extract Act.

(2) Adulterated—applies to hemp or hemp extract if—

(A) It is composed of more than three tenths percent (.3%) of tetrahydrocannabinol by weight, is composed of less than five percent (5%) cannabidiol by weight or contains other psychoactive substances;

(B) Any foreign substance has been found in the hemp or hemp extract through laboratory analysis; or

(C) Any valuable constituent of the hemp extract has been wholly or in part abstracted.

(3) Applicant—any non-profit entity requesting a cultivation and production facility license from the Missouri Department of Agriculture.

(4) Batch—a quantity of hemp used in producing hemp extract made in one (1) operation, lot, or continuous or semi-continuous process or cycle and the quantity of hemp extract produced during an interval of time.

(5) Batch number—a unique numeric or alphanumeric identifier assigned to a specific quantity of hemp extract packaged and labeled for distribution that is within recognized tolerances for the factors that were subject to a laboratory test and that appear on the labeling.

(6) Cannabidiol oil care center manager—the individual who has management responsibilities over the cannabidiol oil care center.

(7) Cannabidiol oil care center personnel—all persons employed by a cannabidiol oil care center or who otherwise are present on behalf of the cannabidiol oil care center.

(8) Child resistant safety packaging—

(A) Tamper-proof, child-proof containers designed and constructed to be significantly difficult for children less than five (5) years of age to open; and

(B) Closable for multiple servings.

(9) Cultivation or cultivate—to prepare and improve land for the purpose of growing plants (crops).

(10) Cultivation and production facility—the department approved land and premises on which the licensee is authorized to grow, cultivate, process, produce, and possess hemp and hemp extract.

(11) Cultivation and production facility manager—the individual who has management responsibilities over the licensed cultivation and production facility.

(12) Cultivation and production facility personnel—all persons employed by a licensed cultivation and production facility or who otherwise are present on behalf of the licensed cultivation and production facility.

(13) Cultivation and production facility license—a license issued by the Missouri Department of Agriculture to a qualified applicant for the purpose of operating a hemp cultivation and production facility.

(14) Department—the Missouri Department of Agriculture.

(15) Director—director or duly designated employee of the Missouri Department of Agriculture.

(16) Disqualifying offense—any conviction, plea of guilty, or plea of nolo contendere to a felony; any conviction, plea of guilty, or plea of nolo contendere to a misdemeanor related to controlled substances within the past five (5) years; or current abuse of controlled substances.

(17) Distribution or distribute—to distribute, hold for distribution, sell, offer for sale, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.

(18) Fingerprint-based criminal background check—a fingerprint-based state and federal criminal background check conducted by the Missouri Highway Patrol.

(19) Hemp waste—any adulterated or misbranded hemp or hemp extract or any part of the hemp plant that is not usable in the production of hemp extract as provided by section 261.265, RSMo.

(20) Label—the written, printed, or graphic matter on or attached to hemp or the immediate container of hemp or hemp extract.

(21) Legal age—eighteen (18) years, unless otherwise provided by law.

(22) Licensee or license holder—is the non-profit entity to which a cultivation and production facility license is issued.

(23) Lot number—number assigned to a specific harvest of hemp by variety.

(24) Manufacture or manufacturing—any process by which hemp is converted to hemp extract.

(25) Misbranded—hemp and hemp extract is misbranded if—

(A) Its labeling bears any statement, design, or graphic representation relating to its ingredients or analysis, which is false or misleading;

(B) It is contained in a package, container, or wrapping which does not conform to the packaging requirements in accordance with 2 CSR 70-14.120;

(C) The hemp or hemp extract label(ing) is not affixed to its container in accordance with 2 CSR 70-14.120; or

(D) Its strength or purity falls below the professed certificate of analysis as indicated on its labeling under which it is distributed.

(26) Non-profit entity—any corporation falling within the definition of non-profit corporation set forth in section 215.010(9), RSMo.

(27) Person—includes but is not limited to a natural person, sole proprietorship, partnership, joint venture, limited liability partnership or company, corporation, association, government agency or governmental subdivision, business, or non-profit organization.

(28) Processing and manufacturing facility—site where hemp is processed and manufactured into hemp extract including, but not limited to, the storage of hemp, hemp extract, and hemp waste.

(29) Production or produce—the planting, preparation, cultivation, growing, harvesting, propagation, conversion, processing, or manufacturing of hemp or hemp extract including any packaging or repackaging of hemp extract or labeling or relabeling of hemp, hemp extract, or its container.

(30) Testing facility—a laboratory located in Missouri and approved by the department to provide analysis of hemp and hemp extract for scientific, medical, research, and instruction purposes.

(31) THC—tetrahydrocannabinol.

(32) Unusable hemp or hemp extract—any hemp or hemp extract found to be—

(A) Adulterated;

(B) Misbranded; or

(C) Unusable in the production of hemp extract.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.020 Application for a Cultivation and Production Facility License

PURPOSE: Outlines application document that must be completed and submitted to request a cultivation and production facility license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitution****. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) A form provided by the department for making application for a cultivation and production facility license can be obtained by visiting the department website or it will be furnished by regular mail upon written request to: Plant Industries Division, Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102.

(2) The department shall accept applications for a cultivation and production facility license for thirty (30) calendar days after the date indicated on the department's website that the department will be accepting applications.

(A) Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which the application was delivered.

(B) If any forms, documents, or information required by the act are not submitted with the application, the application shall be returned to the applicant. The applicant shall have ten (10) working days from receipt of the application to resubmit the application in its entirety.

(C) The application period may be extended at the discretion of the director.

(3) Applications shall be either typed or clearly printed in ink.

(4) The applicant must furnish the director with the following:

(A) The non-profit entity's current and previous names, addresses, telephone numbers, and email addresses;

(B) Tax identification number or documentation from the Missouri secretary of state establishing the applicant's status as a non-profit entity;

(C) Names and titles, dates of birth, and Social Security numbers for each of the non-profit entity's officers and board members;

(D) Name and title, date of birth, and Social Security number of the cultivation and production facility manager;

(E) Name and title, date of birth, and Social Security number of the cannabidiol oil care center manager;

(F) Names, physical addresses, mailing addresses, telephone numbers, and email addresses of the cultivation and production facility and cannabidiol oil care center; and

(G) Cultivation and production facility and cannabidiol oil care center physical location information, including:

1. The legal descriptions (section, township, range) of the land on which the proposed cultivation and production facility and cannabidiol oil care center are to be located;

2. GPS coordinates of the point of entry on each parcel of land on which hemp will be grown; and

3. A map of the land area on which the applicant plans to grow hemp. The map shall reflect the boundaries and dimensions of the growing area(s) in acres or square feet.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.030 Supporting Forms, Documents, Plans, and Other Information to be Submitted with the Applicant's Application for a Cultivation and Production Facility License

PURPOSE: Outlines supporting information that must be submitted along with application for a cultivation and production facility license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitution****. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) The applicant must submit to the director—

(A) A signed affidavit, on a form provided by the department, attesting to the applicant's acknowledgement and agreement to—

1. Follow inspection, testing, labeling, record keeping, and production requirements as established in section 261.265, RSMo and any regulations issued thereunder;

2. Pay the costs associated with sampling, labeling, and testing hemp and hemp extract as established in section 261.265, RSMo and any regulations issued thereunder;

3. Submit fingerprints for and pay the associated costs of the Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint-criminal background checks for the non-profit entity's officers, board members, and all employees;

4. Certify that no board member, officer, or any employee has been convicted of any disqualifying offense/conviction;

5. Notify local law enforcement officials that hemp will be grown within their jurisdiction, including the location of the cultivation and production facility;

6. Maintain a practical system to secure the facility from criminal activity. Said plan shall include, but is not limited to, lighting, physical barriers, video surveillance, and alarms;

7. Maintain a waste management plan that complies with the requirements of section 261.265, RSMo; and

8. Maintain a hemp monitoring system as defined in section 261.265, RSMo.

(B) Official copies of the Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint-criminal background checks for the non-profit entity's officers, board members, and all employees.

(C) The non-profit's operating by-laws.

(D) A copy of each license/registration/authorization document verifying current or previous licensure relating to the cultivation and production of hemp and hemp extract in another state or jurisdiction.

(E) A location map of the area surrounding the proposed cultivation and production facility. The map must clearly demonstrate that the proposed facility is not located within two thousand (2,000) feet of the property line of a pre-existing public or private preschool, elementary school, middle (junior high) school, high school, daycare facility, home day care, or an area zoned for residential use.

(F) A document explaining the applicant's ability to fulfill the requirements found in each measure of this section.

1. Proposed facility.

A. Measure 1. The applicant shall provide evidence that the proposed facility is suitable for effective and safe cultivation and production of hemp and hemp extract; sufficient in land, building size, power allocation, ventilation, lighting, and interior layout; sufficient

in area for storage, handling, processing, production, and distribution of hemp and hemp extract.

B. Measure 2. The applicant shall provide evidence of the ability to expand the facility's production and distribution to meet qualified patient demand.

2. Proposed staffing plan.

A. Measure 3. The applicant shall provide a statement verifying staff experience with agricultural cultivation techniques and industry standards, including experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business including, the submission of any academic degrees and certifications of all board members, officers, and employees.

B. Measure 4. The applicant shall provide a staffing plan that will ensure adequate experience and staffing for all business hours, safe hemp and hemp extract production, sanitation, security, and theft prevention.

C. Measure 5. The applicant shall provide a plan and an employee handbook which includes a working guide to the understanding of the day-to-day administration of personnel policies and practices.

3. Cultivation and production plan.

A. Measure 6. The applicant shall provide a cultivation and production plan that outlines their facility operations for producing hemp extract in compliance with the act and any regulations issued thereunder.

B. Measure 7. The applicant shall describe its plan to provide a continuous, uninterrupted supply of hemp extract.

C. Measure 8. The applicant shall provide evidence relating to knowledge of cultivation and production methods to be used in the cultivation and production of hemp. The applicant shall list the hemp varieties to be cultivated and its experience with growing those varieties.

D. Measure 9. The applicant shall describe the steps that will be taken to ensure the quality of the hemp, including the purity and consistency of the hemp extract.

4. Product safety and labeling plan.

A. Measure 10. The applicant shall describe its plan for providing safe and accurate packaging and labeling of hemp extract.

B. Measure 11. The applicant shall describe its plan for testing hemp to ensure it is free of contaminates including, but not limited to, pesticides and microbiological organisms.

C. Measure 12. The applicant shall describe its plan for establishing a recall of the applicant's hemp extract in the event that the hemp extract is shown by testing or other means to be potentially defective or have a reasonable probability that its use or exposure to will cause adverse health consequences. The plan must include the method of identification of the packaged hemp extract containers involved, notification to those whom the hemp extract was distributed to, and how the hemp extract will be disposed of if returned to or retrieved by the applicant.

5. Security plan.

A. Measure 13. The applicant shall provide evidence of its ability to prevent the theft or diversion of hemp and hemp extract and how the applicant will assist the department, Missouri Highway Patrol, and local law enforcement.

B. Measure 14. The applicant shall describe its plan for record keeping, tracking, and monitoring production, distribution, inventory, quality control, security, and other policies and procedures in place to discourage unlawful activity.

C. Measure 15. The applicant shall describe a plan for disposition of unusable, adulterated, misbranded, and recalled hemp and hemp extract and the applicant's coordination with department, Missouri Highway Patrol, and local law enforcement for its disposal; and

(G) Any additional documentation the director deems necessary for the application process. The director may require a site inspection of the facility prior to approval.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.040 Application—Selection Criteria

PURPOSE: Outlines the process by which the department will award a cultivation and production facility license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitution****. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) The department will award up to ten (10) points to each measure found in 2 CSR 70-14.030(1)(F). The highest total scores will be awarded licensure.

(A) In the event that the highest ranked applicants for a cultivation and production facility license receive the same total score, the department will select the applicant that received the highest score in the cultivation and production plan category.

(B) If a tie score still remains, the department will select the applicant(s) that received the highest scores in the security plan category.

*AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.050 Retention of the Application and Supporting Forms, Documents, Plans and Other Information Submitted by the Applicant

PURPOSE: Establishes the length of time the department will maintain on file the application for license and all supporting information.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) The director shall keep all documents filed in support of an application until such time as the documents are replaced, except that—

(A) If a cultivation and production facility license is not issued within one (1) year, all documents pertaining to that application may be destroyed; or

(B) If a cultivation and production license expires for more than one (1) year, all documents pertaining to that license may be destroyed.

*AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.060 Rejection of Cultivation and Production Facility Application Request for Licensure and the Revocation or Suspension of a License

PURPOSE: Outlines reasons for rejection of application and for revocation or suspension of license.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) An application for a cultivation and production facility license shall be rejected if any of the following conditions are met:

(A) The applicant fails to submit the application materials required

by 2 CSR 70-14.020 and 2 CSR 70-14.030;

(B) The submitted application contains false or misleading information;

(C) The submitted application is incomplete;

(D) The applicant's facility is not in compliance with local zoning rules;

(E) The applicant ceased cultivation and production of hemp and hemp extract for reasons other than weather related crop failures;

(F) One (1) or more of the non-profit entity's board members, officers, managers, or employees has been convicted of a disqualifying offense; and

(G) One (1) or more of the non-profit entity's board members, officers, or managers has served as a board member, officer, or manager for a licensed cultivation and production facility that has had its license revoked or suspended.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.070 Cultivation and Production Facility License Expiration

PURPOSE: Establishes the license expiration.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitution****. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) A cultivation and production facility license shall be valid for five (5) years. The license shall expire in the fifth year, on the last day of the month which the license was issued.

(2) If there are changes in the licensing information previously submitted for licensure, the license holder shall complete an application for a license and submit the required information for license approval within ten (10) working days.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.080 License not Transferable and Request to Modify or Alter License

PURPOSE: Prevents the unapproved transfer of licenses and identifies the process for modifying or altering a license.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a

*compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) A cultivation and production facility license is not transferable. A cultivation and production facility license is valid provided the licensee notifies the director in writing within ten (10) days of any change of the entity's name, address, or any other information related to the requirements found under 2 CSR 70-14.020 and 2 CSR 70-14.030.

*AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.090 Cultivation and Production Facility License Stipulations and Requirements

PURPOSE: Establishes license stipulations and requirements.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) A licensed cultivation and production facility shall have only one (1) processing and manufacturing facility at the location(s) authorized under the license.

(2) Land or premises specified in the application process for a cultivation and production facility license shall not be located within two thousand feet (2,000') of the property line of a pre-existing public or private preschool, elementary school, middle (junior high) school, high school, daycare facility, home day care, or an area zoned for residential use.

(3) Upon the department's approval and licensure, the cultivation and production facility must notify local law enforcement agencies of their hemp cultivation and production plans, construction, and operations.

(4) The licensee is responsible for actions of its board members, officers, managers, and employees, which violate the act or any regulations issued thereunder.

(5) If a licensed facility ceases cultivation and production of hemp and hemp extract, the issued license shall be surrendered to the department within thirty (30) days of ceasing operations.

(6) If in the judgment of the director the facility has ceased production and is not expected to resume, the issued license shall be surrendered to the department within thirty (30) days.

(7) A license may be suspended or revoked in the event the facility no longer meets the conditions and requirements of the license.

(8) Any grower whose license is surrendered, revoked, or not renewed shall dispose of its entire inventory of hemp and hemp extract under the requirements of 2 CSR 70-14.140.

(9) The licensee shall notify the department within ten (10) working days of any of the following:

(A) Any board member, officer, or employee's conviction of violations of state or federal controlled substance laws; and

(B) The termination, resignation, appointment, or hiring of any board member, officer, cultivation and production facility manager, cannabidiol oil care center manager, or other employee, including unpaid volunteers.

1. The following information shall be provided to the department for each new hire, volunteer, or appointee:

A. Individual's complete name, including any nicknames or aliases used;

B. Date of birth;

C. Social Security number; and

D. Results of the Missouri Highway Patrol fingerprint-based state and federal criminal background check through the Missouri Automated Criminal History Site (MACHS).

(10) The licensee, employees, and volunteers shall not—

(A) Violate local zoning rules;

(B) Employ anyone younger than eighteen (18) years;

(C) Make any false, misleading, or fraudulent statement or claim on any application, form or supporting documentation submitted to the director concerning licensing pursuant to section 261.265, RSMo or any regulations issued thereunder;

(D) Make any false or misleading statement specifying or inferring

that a person, hemp or hemp extract are recommended by any branch of the state or federal government for the treatment of intractable epilepsy;

(E) Grow, cultivate, process and possess hemp or hemp extract in any place except in those areas designated by the license;

(F) Distribute any hemp or hemp extract from any place except its licensed cultivation and production facility and cannabidiol oil care center(s) located in Missouri;

(G) Distribute to any person any hemp, hemp extract, or hemp waste which is adulterated and/or misbranded;

(H) Distribute hemp extract to any individual unless the individual is a Missouri resident and holds a valid hemp extract registration card issued by the Missouri Department of Health and Senior Services;

(I) Produce, manufacture, or distribute any hemp or hemp extract for export and use outside of Missouri;

(J) Distribute any hemp or hemp extract to any person except to its cannabidiol oil care center(s), to a laboratory approved by the department, and to institutions of higher learning for research purposes;

(K) Accept and distribute any returned hemp extract unless it is as a result of a department approved recall;

(L) Allow any person except for a registrant with a valid hemp extract registration card to open or break the seal placed on a packaged and labeled container of hemp extract;

(M) Allow any products, materials, or items to be sold at the cannabidiol oil care center except for hemp extract and other items which would normally aide in administering hemp extract;

(N) Allow any examination of a patient to be conducted at the licensed facility for purposes of diagnosing intractable epilepsy;

(O) Allow any physician who serves as a board member or officer of the non-profit entity or as an employee of the cultivation and production facility or cannabidiol oil care center(s) to determine intractable epilepsy for the purpose of the act or any regulation issued thereunder;

(P) Take from the licensed facility or cannabidiol oil care center or possess any hemp, hemp extract, hemp waste unless the individual's possession is for operational purposes in accordance with Missouri law;

(Q) Use any pesticide in the cultivation and production of hemp unless the pesticide is registered by the U.S. Environmental Protection Agency and the Missouri Department of Agriculture and labeled for use on hemp with specific directions for use and tolerances established by the U.S. Environmental Protection Agency;

(R) Make any false or misleading statements during the course of an inspection or investigation into the cultivation, production, or distribution of hemp, hemp extract, or hemp waste;

(S) Violate a stop sale, use, or removal order issued by the director; or

(T) Violate any provision of sections 261.265, RSMo or any regulation issued thereunder.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.100 Requirements for Production, Manufacture, Storage, Transportation, and Testing of Hemp and Hemp Extract

PURPOSE: Establishes grower responsibility to maintain and adhere to written policies relating to production, manufacture, storage, transportation, and testing of hemp and hemp extract.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitution****. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) The licensee shall establish, maintain, and adhere to written policies and procedures for the cultivation, production, manufacture, security, storage, inventory, distribution/transportation, and testing of hemp and hemp extract. Such policies and procedures shall include, but are not limited to, the following processes:

(A) Handling mandatory and voluntary recalls of hemp and hemp extract due to any action initiated by the director or any voluntary action initiated by the licensee, including the removal of adulterated and/or misbranded hemp or hemp extract from possible distribution and from registrants who have recalled hemp extract in their possession;

(B) Preparing for, protecting against, and handling any crisis that affects the operations of the cultivation and production facility or cannabidiol oil care center(s) in the event of strike, fire, flood, natural disaster, or other situations of local, state, or national emergency;

(C) Ensuring that any outdated, adulterated, damaged, deteriorated, misbranded, and/or unusable hemp or hemp extract is segregated from other hemp and hemp extract and disposed of in accordance with 2 CSR 70-14.140. This policy/procedure shall outline requirements for written documentation/record of the hemp and hemp extract disposition;

(D) Ensuring the oldest hemp is used first in the processing and manufacture of hemp extract;

(E) Ensuring all hemp and hemp extract in the process of manufacture, distribution, or analysis shall be stored in such a manner as to prevent diversion, theft, or loss and shall be accessible only to the minimum number of authorized personnel essential for efficient operation;

(F) Ensuring all hemp and hemp extract shall be returned to a secure location immediately after the completion of the process or at the end of the scheduled work day. If a process cannot be completed by the end of a working day, the processing equipment containing hemp or hemp extract shall be securely locked inside an area that affords adequate security;

(G) Ensuring no person, except production facility personnel, personnel from the Departments of Agriculture and Health and Senior Services, and law enforcement officials shall be allowed on the premises of a cultivation and production facility; and

(H) Ensuring all hemp extract complies with the provisions of section 195.207, RSMo and section 261.265, RSMo and any regulations issued thereunder, through the implementation of a sampling protocol, sample chain of custody procedure, and sample analysis for the percentage of tetrahydrocannabinol (THC) and detection of pesticides for each batch of hemp extract.

(2) Storage.

(A) Licensed cultivation and production facility and cannabidiol oil care centers shall—

1. Not produce or maintain hemp in excess of the quantity required for normal, efficient operation;

2. Have storage areas that provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security for the production and manufacture of hemp or hemp extract;

3. Maintain a separate secure area for hemp and hemp extract that is outdated, adulterated, damaged, deteriorated, misbranded, unusable, or whose sealed containers or packaging have been broken or opened, until such material is disposed;

4. Keep all safes, vaults, or any other equipment or areas used for cultivation, production, harvesting, processing, manufacturing, or storage of hemp and hemp extract, securely locked and protected from entry by unauthorized individuals;

5. Store all hemp extract in an approved safe or approved vault and in such a manner as to prevent diversion, theft, or loss;

6. Store all hemp in a secure area, room, or location within the facility accessible only to authorized facility personnel, the director or designated representative, or law enforcement;

7. Have a sign posted at all entries to storage areas of the facility containing hemp or hemp extract stating: "Do Not Enter – Access Limited to Authorized Personnel Only";

8. Be maintained in a clean and orderly manner;

9. Be free from infestation of pests, including insects, rodents, birds, vertebrates, and mold; and

10. Ensure all areas of the cultivation and production facility and cannabidiol oil care centers are compartmentalized based on function and that access shall be restricted between compartments.

(3) Inventory.

(A) Prior to commencing operations each cultivation and production facility and cannabidiol oil care center shall—

1. Establish ongoing inventory controls and procedures for conducting inventory reviews of hemp and hemp extract for the purpose of detecting any diversion, theft, or loss in a timely manner; and

2. Conduct a weekly inventory of hemp and hemp extract in stock, which shall be recorded and maintained in the hemp monitoring system and include, at a minimum:

A. Date of inventory;

B. Total amount of hemp by variety and lot number and hemp extract by batch number;

C. Total amount of hemp and hemp extract deemed unusable or placed under a department stop sale, use, or removal order being held in quarantine for proper disposal; and

D. Name, signature, and title of the employees conducting the inventory.

(4) Transportation and delivery of hemp, hemp extract, and/or hemp waste by cultivation and production facility personnel.

(A) Each transport vehicle shall be staffed with a delivery team consisting of a minimum of two (2) employees.

(B) At least one (1) delivery team member shall remain with the vehicle at all times while the vehicle contains hemp, hemp extract, and/or hemp waste.

(C) Each delivery team member shall have access to a secure form of communication for the purpose of contacting cultivation and production facility personnel and/or law enforcement, while the vehicle contains hemp, hemp extract, and/or hemp waste.

(D) Each delivery team member shall possess an identification card issued by the grower when transporting, delivering, or distributing hemp, hemp extract, and/or hemp waste. Identification cards shall be presented to the director or law enforcement officials upon request.

(E) Each transport vehicle shall carry a manifest. The manifest shall include the following information and shall be maintained for three (3) years:

1. Names of delivery team employees;

2. Licensed non-profit entity's name;

3. Total quantity of hemp, hemp extract, and/or hemp waste and lot or batch numbers being transported for delivery;

4. Name and address of each recipient;

5. Date of delivery or distribution;

6. Total quantity delivered to the recipient;

7. Name, title, and signature of person taking possession of hemp, hemp extract, and hemp waste; and

8. A signed chain of custody documenting the delivery of hemp, hemp extract, and hemp waste.

(5) Testing.

(A) The cultivation and production facility shall—

1. Create and follow an approved protocol for sampling hemp and hemp extract;

2. Develop and implement a chain of custody procedure for all samples;

A. Samples of hemp and hemp extract, including duplicate samples shall be transported/delivered to a department approved laboratory in a container that is secured in an outer package that is sealed with an affixed label identifying the batch number;

3. Direct the approved laboratory to analyze all hemp extract samples for—

A. The percentage of tetrahydrocannabinol (THC);

B. The percentage of cannabidiol by weight;

C. Other psychoactive substances; and

D. All pesticides recorded under the requirements of 2 CSR 70-14.150;

4. Maintain all reports of analysis for all samples of hemp and hemp extract in the hemp monitoring system; and

5. Notify the department within ten (10) working days of receipt of any results of analysis showing noncompliance with section 195.207, RSMo or section 261.265, RSMo or any regulations issued thereunder;

A. Any positive result of analysis showing noncompliance with section 195.207, RSMo section 261.265, RSMo or any regulations issued thereunder, makes the tested hemp and hemp extract unusable and must be destroyed in accordance with the requirements of 2 CSR 70-14.140.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.110 Hemp Monitoring System Records to be Maintained for Manufacture, Storage, Testing, and Distribution of Hemp and Hemp Extract

PURPOSE: Establishes the requirement to maintain records pertaining to the manufacture, storage, testing, and distribution of hemp and hemp extract.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) All records and hemp monitoring system data shall be kept and maintained for a period of three (3) years.

(2) All records and hemp monitoring system data shall be available for inspection and auditing at a reasonable time during regular business hours, or upon request in writing, the director shall be furnished a copy of these records and/or data within ten (10) working days of receipt of request.

(3) Licensed cultivation and production facilities must keep and maintain hemp monitoring system data relating to production, manufacture, storage, testing, and distribution of hemp and hemp extract.

(A) Hemp cultivation and production records shall include:

1. Hemp variety planted and planting date(s);

2. Crop inputs (fertilizers, soil conditioners/amendments, and pesticides) used, dates of use, and name of user;

A. Trade name of products used;

B. Amount of each product used; and

C. EPA Registration Number of pesticide labeled for use on hemp;

3. Target pest(s);

4. Integrated pest management practices used in controlling pest(s);

5. Date of harvest;

6. Lot number assigned and amount of harvested hemp;

7. Total time hemp was held in storage prior to its use in manufacturing hemp extract; and

8. Percent of tetrahydrocannabinol (THC) per lot number as reported in the laboratory results of analysis for each hemp sample analyzed.

(B) Hemp extract processing and manufacturing records shall include:

1. Date of manufacture/processing;

2. Hemp variety, lot number, and amount of hemp used for each batch of hemp extract manufactured;

3. Batch number;

4. Type and name of any solvent or other compounds utilized in the manufacture of hemp extract;

5. Amount hemp extract processed or manufactured per batch;

6. Date, batch number, and amount of hemp extract packaged and labeled; and

7. Detected pesticide active ingredients per batch number as reported in the laboratory results of analysis for all hemp extract samples analyzed.

(C) Hemp extract distribution records shall include:

1. Quantity and batch number(s);

2. Date of distribution; and

3. Name and address of each recipient.

(4) For each individual distribution of hemp extract, cannabidiol oil care center records of distribution shall include:

(A) Name and address of registrant;

(B) Name of minor child under registrant's care;

(C) Registrant's hemp extract registration card number and date of expiration;

(D) Distribution date; and

(E) Batch number and amount of packaged and labeled hemp extract distributed to the registrant.

*AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.120 Packaging and Labeling of Hemp and Hemp Extract

PURPOSE: Establishes the requirements for packaging and labeling of hemp and hemp extract.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) Immediately following harvest, all harvested hemp shall be labeled with the following:

(A) Name of hemp variety;

(B) Date harvested;

(C) Net weight or measure of the net content; and

(D) Assigned lot number.

(2) All hemp extract shall be packaged—

(A) In a sealed "child-resistant safety package";

(B) In a container that is resealable if used for multiple servings; and

(C) In a container that is not designed in any way which makes it attractive to minors.

(3) All hemp extract must be labeled with—

(A) Place of origin;

(B) A number that corresponds with a certificate of analysis;

(C) Assigned batch number;

(D) Hemp extract's ingredients including its percentages of tetrahydrocannabinol and cannabidiol by weight;

(E) Medicating instructions;

(F) A statement, "Keep out of reach of children" in bold capital letters; and

(G) Net weight or measure of the container's net content.

*AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.130 Cultivation and Production Facility and Cannabidiol Oil Care Center Security Measures, Reportable Events, and Records to be Maintained

PURPOSE: Identifies the requirements for security measures, reportable events, and records to be maintained.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) Cultivation and production facilities and cannabidiol oil care centers shall have an adequate alarm and video surveillance security systems, each designed to operate during power outages to prevent and detect diversion, theft, or loss of hemp or hemp extract which shall at a minimum, include:

(A) Alarm system—

1. A perimeter alarm with motion detector providing coverage of all facility entrances and exits, rooms with exterior windows, rooms with exterior walls, roof hatches, skylights, and storage rooms containing safes or vaults; and

2. All alarm systems shall be inspected annually by the alarm vendor; and

(B) Video surveillance. Video cameras shall be used twenty-four (24) hours a day.

1. Video cameras shall record all areas that may contain hemp and hemp extract and at all points of entry and exit and shall be angled so as to capture a clear and certain identification of any person.

2. Video cameras must be directed at all safes, vaults, distribution areas, retail sale and distribution areas, and any other area where hemp or hemp extract is being cultivated, produced, manufactured, stored, or handled.

3. The date and time must be embedded on all surveillance recordings without obscuring the picture.

4. All video camera recordings shall be available for immediate viewing by the director or designated representative or law enforcement upon request.

5. Video recordings shall be retained for a minimum of thirty (30) days.

6. The video surveillance system shall be inspected annually by the video vendor.

(2) Reportable events.

(A) The cultivation and production facility and cannabidiol oil care centers shall—

1. Notify the appropriate local law enforcement official and the director within twenty-four (24) hours of discovering any alarm activation, inventory discrepancies, diversion, theft, or loss of any hemp or hemp extract, or of any loss or unauthorized alteration of records related to hemp, hemp extract, and/or registrants. Notification shall include the submission of a signed statement which details location and contact information, circumstances of the event, an accurate inventory of the quantity, variety, and lot numbers of hemp or quantity and batch numbers of hemp extract involved; and

2. Notify the director or designated representative of any failure of the security alarm system or surveillance system due to a loss of electrical support or mechanical malfunction that is expected to last longer than eight (8) hours and any corrective measures taken.

(3) Records.

(A) The cultivation and production facility and cannabidiol oil care center must maintain records for three (3) years of—

1. The annual inspections of the alarm and video surveillance systems; and

2. Any occurrence that is reportable under this section.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.140 Waste Disposal of Unusable Hemp and Hemp Extract

PURPOSE: Establishes the requirements for storage of all hemp waste and hemp extract waste, the disposal of waste, and the records to maintain.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitution****. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) All hemp waste and hemp extract waste must be stored in secured, locked rooms or buildings and managed in accordance with this rule and 2 CSR 70-14.130.

(2) Each cultivation and production facility and cannabidiol oil care center must submit to the department a plan for the disposal of all hemp waste and/or hemp extract waste. Allowable disposal methods are—

(A) Destruction;

(B) Recycling; and/or

(C) Donation to an institution of higher education for research.

(3) Plans shall detail the destruction location, type and procedures of destruction used, recycling methods or procedures, and procedures for donation to an institution of higher education for research purposes and a description of the proposed research.

(4) Records maintained in the hemp monitoring system shall include:

(A) Date of disposal;

(B) Disposal method and procedures followed;

(C) Disposal location;

(D) Name and title of employee responsible for disposal;

(E) Quantity, variety, and lot number of hemp disposed of;

(F) Quantity and batch number of hemp extract disposed of;

(G) Reason for disposal;

(H) If donated for research—
1. Recipient's name and location;
2. Name of custodian/researcher; and
3. Quantity, variety, lot number, and batch number

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.150 Pesticide Record Keeping Requirements

PURPOSE: Establishes the requirement of records to be maintained for known pesticides used within a one- (1-) mile radius of the cultivation and production facility.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the ***Missouri*** *and* ***United States Constitution****. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) The cultivation and production facility shall compile a list of all known pesticides by complete pesticide trade name and EPA Registration Number from all possible sources of pesticide applications within a one- (1-) mile radius of the cultivation and production facility. Such sources include, but are not limited to:

(A) Agricultural row crop applications made by producers and certified commercial pesticide applicators hired by the row crop producer;

(B) Non-agriculture (outdoor) pesticide applications, made by—
1. Homeowners and businesses;
2. Golf courses;
3. Certified commercial lawn care applicators;
4. Certified right-of-way (highway, railroad, power line and substation, pipe line, drainage districts etc.) applicators; and
5. Mosquito abatement control applicators; and

(C) Any pesticide applied preplant (including burndown applications), preemergent, or postemergent to the hemp crop or land on which it is grown, whether or not registered for use on hemp or exempted from registration under the Federal Insecticide, Fungicide, and Rodenticide Act and the Missouri Pesticide Registration Act.

(2) The grower shall record and maintain this information in the hemp monitoring system for a period of one (1) year after the sample analysis has been completed.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.160 Inspection of Premises and Facility of License Holder, Samples Collected for Analysis, Issuance of Search Warrant, and Powers of Director During Investigation or Hearing, When the Director May Report Violations to Prosecuting Attorney for Action

PURPOSE: Establishes the requirement of inspections, samples to be collected for analysis, issuance of search warrant, powers of the director during investigation or hearing, and reporting of violations to the prosecuting attorney.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal

*Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) For the purposes of enforcing the provisions of sections 195.207, RSMo and 261.265, RSMo, and 2 CSR 70-14.005–2 CSR 70-14.190, the director may enter any premises at reasonable times where hemp and/or hemp extract is produced and/or distributed, in order to inspect, investigate, observe, sample, audit, detain, seize, or embargo.

(A) Before undertaking such inspection, the director shall present the license holder or person in charge of the premises or facility, appropriate credentials and a notice of inspection detailing the reason for the inspection.

(B) If any samples are collected, prior to leaving the premises or facility, the director shall give the license holder or person in charge a receipt describing the samples obtained.

1. A representative composite sample(s) of hemp shall be collected and delivered to an approved laboratory for analysis of the concentration level of tetrahydrocannabinol (THC).

A. The licensed cultivation and production facility will be responsible for paying the costs of laboratory analysis for each representative composite hemp sample analyzed.

B. If the results of analysis report indicates greater than three-tenths of one percent (0.3%) THC by dry weight basis or the percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq., a duplicate sample will be analyzed at the expense of the licensed cultivation and production facility.

C. If the results of analysis report for the duplicate sample indicates greater than three-tenths of one percent (0.3%) THC by dry weight basis or the percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq., the cultivation and production facility license holder may request an additional analysis on a triplicate sample to be conducted by a different independent third-party laboratory approved by the director.

D. If the results of a majority of all analysis reports indicate greater than three-tenths of one percent (0.3%) THC by dry weight basis or the percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq., the hemp crop identified by lot number will be deemed as unusable and considered as hemp waste and placed under a stop sale, use or removal order issued by the director.

(I) The cultivation and production facility must handle the hemp waste in accordance with 2 CSR 70-14.140.

2. Representative sample(s) of hemp extract may be collected and delivered to an approved laboratory for analysis for the detection of pesticide active ingredients.

A. The licensed cultivation and production facility or cannabidiol oil care center will be responsible for paying the costs of laboratory analysis for each representative sample(s) of hemp extract analyzed.

B. If the results of analysis report indicates a positive detection of any pesticide active ingredient, a duplicate sample from the same batch will be analyzed at the expense of the cultivation and production facility.

C. If the results of analysis report for the duplicate sample indicates a positive detection of any pesticide active ingredient, the hemp extract will be deemed as unusable and considered as hemp extract waste and placed under a stop sale, use, or removal order issued by the director.

(I) The cultivation and production facility must handle the hemp waste in accordance with 2 CSR 70-14.140.

(2) If the director is denied access to any land or building located on the premises of the facility where such access was sought for the purposes set forth in this rule, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to that land, premises, or facility for the purposes identified in this rule. The court may issue a search warrant for the purposes requested upon probable cause being shown.

(3) The director may in the conduct of any investigation or hearing authorized or held by him/her—

(A) Examine, or cause to be examined, under oath, any person;

(B) Examine, or cause to be examined, the hemp monitoring system data or records required to be kept and maintained in accordance with the act or any regulation issued thereunder;

(C) Hear such testimony and take such evidence as will assist him/her in the discharge of his/her duties under the act; and

(D) Administer or cause to be administered oath.

*AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.170 Stop Sale, Use, or Removal Orders

PURPOSE: Identifies the stop sale, use, or removal order and when it will be issued.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the

*inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) When the director or his/her designated representative (authorized agent) has probable cause to believe hemp or hemp extract is being distributed, produced, or manufactured in violation of any of the provisions of sections 195.207 or 261.265, RSMo or any regulations issued thereunder, he/she may issue and serve a written "stop sale, use, or removal order" upon the license holder or custodian. The hemp, hemp extract, or hemp waste shall not be distributed or sold, used or removed from the facility premises until the provisions of sections 195.207 or 261.265, RSMo or regulations issued thereunder, have been complied with and the hemp, hemp extract, or hemp waste has been released in writing by the director. Compliance with provisions of sections 195.207 or 261.265, RSMo or regulations issued thereunder must be achieved within ninety (90) days of the issuance of the "stop sale, use, or removal order."

*AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.180 Revocation, Suspension, or Modification of a Cultivation and Production Facility License

PURPOSE: Gives the director the authority after inquiry and opportunity for hearing the ability to revoke, suspend, or modify a cultivation and production facility license.

*EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) The director, after inquiry, and after opportunity for a hearing, may revoke, suspend, or modify a cultivation and production facility license issued under the act, if he/she finds the holder of the license or any board member, officer, manager, or employee has violated any provision of the act or any regulation issued thereunder, or has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or the United States, for any offense reasonably related to the qualifications, functions, or duties of the licensee regulated under this act, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed.

*AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

EMERGENCY RULE

2 CSR 70-14.190 Penalty for Violations of the Act or Any Regulation Issued Thereunder

PURPOSE: Establishes penalties for violating the act.

EMERGENCY STATEMENT: This emergency rule is necessary to serve a compelling governmental interest in that the Missouri General Assembly passed House Bill 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), with an emergency clause providing that immediate action is necessary to provide

*individuals suffering from intractable epilepsy with access to anti-seizure medical treatment. This emergency rule is intended to implement the statutory framework provided in House Bill 2238 to allow the implementation of the non-traditional hemp oil treatment for epileptic seizures deemed necessary for the immediate preservation of the health, welfare, and safety of Missourians. The new law derived from House Bill 2238 that went into effect on July 14, 2014 requires the Missouri Department of Agriculture (MDA) to promulgate rules for the licensure of non-profit cultivation and production facilities used to make hemp extract. The MDA has communicated with several potential licensees to discuss the regulatory structure for acquiring a facility license. The MDA must also maintain a list of growers of the cannabis plant used to make hemp extract for auditing purposes. The MDA rulemaking authority also allows for the inspection and sampling, independently or with law enforcement, of any hemp crop to determine if a crop contains a legally allowable tetrahydrocannabinol (THC) concentration in accordance with the federal Controlled Substance Act under 21 U.S.C. Section 801 et. seq. MDA must also promulgate rules for: application requirements for licensing; hemp monitoring systems; testing requirement to ensure that the hemp does not contain pesticides; manufacture, storage, and transportation of hemp extract; and license revocation and refusal protocols and civil penalties for any violations of these provisions. Anecdotal evidence suggests that a minimum of four hundred and fifty (450) Missourians may benefit from having hemp oil treatment for seizure activity resulting from intractable epilepsy. The Missouri Department of Agriculture promulgates this emergency rule to serve a compelling governmental interest to protect the public health, safety, and welfare because no person may legally obtain hemp oil treatment in Missouri until this rule is in effect. As a result MDA finds a compelling governmental interest which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitution**. MDA is convinced this emergency rule is fair to all interested parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) If the director determines, after inquiry and opportunity for a hearing, that any individual is in violation of any provision of section 192.945, 195.207, or 261.265, RSMo or any regulations issued thereunder, the director shall have the authority to assess a civil penalty not to exceed two thousand five hundred dollars ($2,500), issue a letter of enforcement action, or refer the violation to the Missouri attorney general's office for prosecution.

(A) In the event that a person penalized under this section fails to pay the penalty, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty.

*AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 51—Hemp Extraction Registration

EMERGENCY RULE

19 CSR 20-51.010 Hemp Extraction Registration Card

PURPOSE: This rule establishes the application process for a hemp extract registration card.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

*EMERGENCY STATEMENT: Hundreds of people in Missouri suffer from forms of epilepsy that may cause them to have hundreds of seizures a day. When traditional treatments fail to reduce or eliminate the seizures, a person is considered to have intractable epilepsy. Without proper care, the seizures may lead to developmental or neurological problems, disability, or death. Anecdotal evidence suggests that a type of hemp extract that contains high levels of cannabidiols and extremely low (less than 0.3%) levels of tetrahydrocannabinol (THC) may have anti-seizure properties and may reduce the number and duration of seizures in people suffering from intractable epilepsy. However, possession of products containing any level of THC is prohibited under Chapter 195, RSMo. Therefore, in 2014 the Missouri Legislature passed HB 2238 (SCS for HCS for HB 2238, 97th General Assembly, Second Regular Session (2014)), to allow people with intractable epilepsy to purchase and possess hemp extract that contains high levels of cannabidiols and extremely low (less than 0.3%) levels of THC if (in addition to fulfilling the other requirements of the bill), they obtain a registration card issued by the Missouri Department of Health and Senior Services (DHSS). The bill contained an emergency clause. This emergency rule establishes the general procedures and requirements that a person must follow to obtain and maintain a hemp extract registration from DHSS. This emergency rule is necessary to protect the public health, safety, and welfare and presents a compelling governmental interest because no person may obtain a hemp extract registration card until this rule is in effect. As a result, the DHSS finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. DHSS believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed October 8, 2014, becomes effective October 18, 2014, and expires April 15, 2015.*

(1) Definitions. For the purposes of this rule, the following definitions apply:

(A) "Applicant," a Missouri resident eighteen (18) years of age or older with intractable epilepsy or a Missouri resident eighteen (18) years of age or older who is the parent or legal guardian responsible for the medical care of a minor with intractable epilepsy, who is applying for a hemp extract registration card under this rule;

(B) "Department," the Department of Health and Senior Services;

(C) "Hemp extract," an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that—

1. Is composed of no more than three tenths percent (0.3%) tetrahydrocannabinol by weight;

2. Is composed of at least five percent (5%) cannabidiol by weight; and

3. Contains no other psychoactive substance.

(D) "Hemp extract registration card," a card issued by the department under section 192.945, RSMo;

(E) "Intractable epilepsy," epilepsy that as determined by a neurologist does not respond to three (3) or more treatment options overseen by the neurologist;

(F) "Neurologist," a physician who is licensed under Chapter 334, RSMo, and board certified in neurology;

(G) "Parent," a parent or legal guardian of a minor who is responsible for the minor's medical care;

(H) "Registrant," an individual to whom the department issues a hemp extract registration card under section 192.945, RSMo.

(2) Requirements for All Applicants.

(A) No person shall engage in any activity for which registration is required until the application for registration has been processed and the hemp extract registration card has been issued.

(B) Applications for registration and renewal shall be made on forms designated by the department.

(C) Applications shall contain the original signature of the applicant and shall be provided to the department.

(D) An application which does not contain or is not accompanied by the required information may be denied sixty (60) days after notifying the applicant of the deficiency.

(E) An application may be withdrawn by making a written request to the department.

(F) All applicants shall provide full, true, and complete answers on the application.

(3) Applications for Individual Registrations. Missouri residents eighteen (18) years of age or older who suffer from intractable epilepsy may apply for a hemp extract registration card. The application shall be made by completing the Missouri Hemp Extract Registration Card Application incorporated by reference in this rule as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. A complete application shall also include:

(A) A copy of the applicant's valid photo identification; and

(B) A completed Missouri Hemp Extract Registration Card Neurologist Certification form as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. The certification shall be consistent with a record from the neurologist attached to the Hemp Extract Card Registration Application.

(4) Applications by Parents or Legal Guardians of Minors. A Missouri resident eighteen (18) years of age or older who is the parent or legal guardian who is responsible for the medical care of a minor with intractable epilepsy may apply for a hemp extract registration card. The application shall be made by completing the Missouri Hemp Extract Registration Card Application incorporated by reference in this rule as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. A complete application shall also include:

(A) A copy of the parent's or legal guardian's valid photo identification; and

(B) A completed Missouri Hemp Extract Registration Card Neurologist Certification form as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. The certification shall be consistent with a record from the neurologist attached to the Hemp Extract Card Registration Application.

(5) Hemp extract registrants may possess up to twenty (20) ounces of hemp extract. A registrant or applicant may request a waiver to the twenty (20) ounce limit by submitting a completed Missouri Hemp Extract Registration Card Certification for Waiver form as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions.

(6) Registrants shall—

(A) Show their hemp extract registration card to the dispensing facility in order to obtain hemp extract, and allow the facility to make a photocopy of it; and

(B) Provide their hemp extract registration card to law enforcement upon request.

(7) Registrants shall not sell or otherwise transfer hemp extract or a hemp extract registration card to others except as authorized by law.

(8) Renewals. Registration cards shall be valid for one (1) year from the date of issuance and may be renewed if the registrant meets the requirements in this rule for an initial registration. A waiver issued pursuant to this rule is valid through the end of the registration period during which it was issued.

(9) Registration Card. The hemp extract registration card issued by the department shall contain the following information at minimum:

(A) The registration number;

(B) The registration expiration date;

(C) The registrant's name, date of birth, address, telephone number, and email address;

(D) The minor's name and date of birth if the registrant is the parent or legal guardian responsible for the medical care of the minor with intractable epilepsy;

(E) If applicable, indication that the registrant has a waiver under section 195.207.4, RSMo, allowing possession of more than twenty (20) ounces of hemp extract;

(F) This statement: This card shall not be transferred or altered; and

(G) This statement: This card certifies that the registrant has complied with the requirements for obtaining a hemp extract registration card under section 192.945, RSMo, and if noted on this card, the requirements for obtaining a waiver under section 195.207.4, RSMo. This card does not certify that the registrant is in compliance with any other laws and does not authorize the registrant to violate any laws.

(10) The department may deny or revoke a hemp extract registration card if—

(A) The applicant or registrant does not comply with section 192.945, RSMo, or this rule;

(B) The applicant or registrant supplies false or fraudulent information or documentation to the department;

(C) The applicant or registrant fails to notify the department within thirty (30) days of any change in legal name or address of the applicant, registrant, or patient;

(D) The applicant or registrant fails to notify the department within thirty (30) days that the applicant, registrant, or patient no longer meets the requirements for obtaining or holding a hemp extract registration card; or

(E) The registrant or another has altered the hemp extract registration card.

AUTHORITY: section 192.945, RSMo Supp. 2014, and section 192.006, RSMo 2000. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2013.

EXECUTIVE ORDER
14-11

WHEREAS, communities in our state are facing serious issues involving race, economic and educational opportunities and poverty; and

WHEREAS, these issues deserve our continued focus, public discourse and policy action; and

WHEREAS, Missouri state government must continue to be a leader in facilitating communication and taking action with respect to these critical issues; and

WHEREAS, Missouri state government must engage with communities, public and private sector leaders, clergy and citizens on these public policy matters; and

WHEREAS, the establishment of an office dedicated to working directly with citizens and community leaders on these issues of importance will provide a mechanism for state government to hear and better understand the challenges affecting citizens and communities and to assist in formulating appropriate policy actions.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, do hereby establish the Office of Community Engagement.

The Office of Community Engagement shall be headed by a Director and directly supported by a Deputy Director/General Counsel and such other personnel as necessary to effectuate its duties and responsibilities.

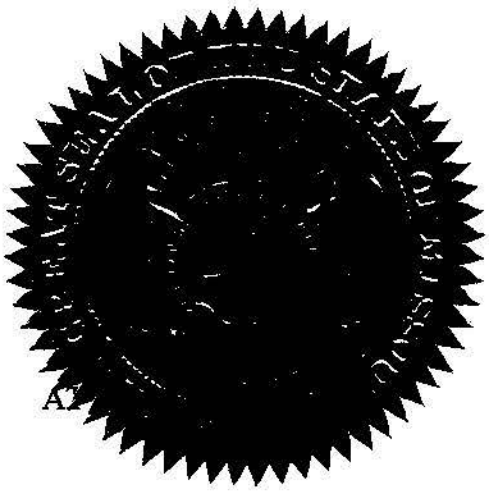
The Office of Community Engagement shall substantively engage communities, public and private sector leaders, clergy and citizens across the State of Missouri in meaningful communication regarding critical issues affecting our citizens and communities. The Office of Community Engagement shall be further responsible for assisting in the development of policies and strategies to enable all citizens and communities in our state to prosper.

The Office of Community Engagement shall organizationally be created within the Office of Administration, and the Office of Administration shall provide the Office of Community Engagement with such administrative assistance as may be required to fulfill its mission.

The Office of Community Engagement may make recommendations to the Department of Economic Development, Missouri Community Service Commission, Missouri Housing Development Commission and other boards, commissions and agencies that administer programs designed to assist low-income individuals, urban neighborhoods, community redevelopment and similar activities.

The Office of Community Engagement shall recommend individuals to the administration for appointment to boards, commissions and agencies of the state.

All departments of state government shall cooperate with the Office of Community Engagement.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 18th day of September, 2014.

Jeremiah W. (Jay) Nixon
Governor

Jason Kander
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 4—Vendor Payroll Deduction Regulations

PROPOSED AMENDMENT

1 CSR 10-4.010 State of Missouri Vendor Payroll Deductions. The commissioner is amending subsection (2)(G) and deleting section (5).

PURPOSE: This amendment makes changes to the solicitation by voluntary vendors of products and services to state employees in state facilities.

(2) The following requirements apply to payroll deductions:

(G) Solicitation by a vendor of signed employee applications or memberships may not be performed in state facilities at any time with the exception of *[qualified]* vendor products *[for the cafeteria plan and regulations under 1 CSR 10-15.010]* **that are eligible under Section 125 of Title 26 of the United States Code and compliant with 1 CSR 10-15.010 and section 33.103, RSMo**;

[(5) The commissioner of administration may include as an option in the state cafeteria plan any authorized voluntary payroll deduction product that is eligible under Section 125 of Title 26 of the United States Code and compliant with the state cafeteria plan rule 1 CSR 10-15.010.]

*AUTHORITY: sections 33.103, 536.010, and 536.023, RSMo Supp. [2007] **2013,** and section 370.395, RSMo 2000. Original rule filed May 15, 1990, effective Sept. 28, 1990. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 1, 2014, effective Jan. 1, 2015, expires June 29, 2015. Amended: Filed Oct. 1, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Commissioner of Administration, PO Box 809, Jefferson City, MO, 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 15—Cafeteria Plan

PROPOSED AMENDMENT

1 CSR 10-15.010 Cafeteria Plan. The commissioner is amending sections (1), (2), and (3) and replacing the *Cafeteria Plan for the Employees of the State of Missouri* document referred to in section (2) with an updated version.

PURPOSE: This amendment makes changes to the benefits available to state and other public entity employees under the State of Missouri's cafeteria plan (the plan).

(1) The cafeteria plan for state employees, authorized by section 33.103, RSMo, shall contain the following items:

(A) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost**,** *[or]* premium **or health savings account contribution** for coverage under any *[plan or program]* **state sponsored health plan** which provides medical benefits or health insurance to or on behalf of any employee or spouse or dependent in the event of illness or personal injury to the employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(D) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any *[plan or program]* **state sponsored health plan** which provides dental benefits or dental insurance to or on behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee;

(E) A provision authorizing the payment through the cafeteria plan of a participating employee's share of the cost or premium for coverage under any *[plan or program]* **state sponsored health plan** which provides vision care benefits or vision care insurance to or on

behalf of any employee or spouse or dependent, which plan or program is available to the employee by reason of his/her status as an employee; and

(2) The commissioner of administration shall maintain the cafeteria plan, *[the dependent care assistance plan, and the flexible medical benefits plan,]* in written form, denominated as the *Cafeteria Plan for the Employees of the State of Missouri* included herein.

(3) Voluntary payroll vendors *[that have qualified for inclusion in the Missouri State Employees' Cafeteria Plan under rules set forth in this section and 1 CSR 10-4.010]* **whose products meet the qualifications of Section 125 of Title 26 of the United States Code and section 33.103, RSMo** must meet the following criteria for solicitation of business on state property:

(B) The vendor may only present the products that *[have qualified for the cafeteria plan]* **qualify under Section 125 of Title 26 of the United States Code and section 33.103, RSMo**;

APPENDIX A
MISSOURI STATE EMPLOYEES' CAFETERIA PLAN DOCUMENT

Cafeteria Plan
for the Employees of
the State of Missouri

Plan Document

Effective January 1, 2015
(with an original effective date of January 1, 1992)

Cafeteria Plan for the Employees of the State of Missouri

Plan Document

Table of Contents

Section 1 Introduction

1.1 Establishment of the Plan

The State of Missouri (the "Employer") hereby amends the State of Missouri Cafeteria Plan (the "Plan") effective January 1, 2015(the "Effective Date"). The original Plan was effective January 1, 1992.

1.2 Purpose of the Plan

This Plan allows an Employee to participate in the following Benefit Options based on his/her eligibility status as stated in Section 4:

- **Premium Payment Plan (PPP)** to make pre-tax Salary Reduction Contributions to pay the Employee's share of the premium or contribution for the Health Plan, Dental Plan, and/or Vision Plan.
- **Health Flexible Spending Account (Health FSA)** to make pre-tax Salary Reduction Contributions to an account for reimbursement of certain Health Care Expenses.
- **Limited Scope Health Flexible Spending Account (Limited Scope Health FSA)** to make pre-tax Salary Reduction Contributions to an account for reimbursement of Dental and Vision Expenses.
- **Dependent Care Assistance Program (DCAP)** to make pre-tax Salary Reduction Contributions to an account for reimbursement of certain Dependent Care Expenses.
- **Health Savings Account Contribution Benefit (HSA Contribution Benefit)** to make pre-tax Salary Reduction Contributions to a Health Savings Account.

1.3 Legal Status

This Plan is intended to qualify as a "cafeteria plan" under the Code §125, and regulations issued thereunder and shall be interpreted to accomplish that objective.

The **Health FSA** and the **Limited Scope Health FSA** are intended to qualify as self-insured health reimbursement plans under Code §105, and the Health Care Expenses reimbursed are intended to be eligible for exclusion from participating Employees' gross income under Code §105(b).

The **DCAP** is intended to qualify as a dependent care assistance program under Code §129, and the Dependent Care Expenses reimbursed are intended to be eligible for exclusion from participating Employees' gross income under Code §129(a).

The **HSA Contribution Benefit** is intended to meet all requirements of §223 of the Code.

Although reprinted within this document, the **Health FSA**, the **Limited Scope Health FSA**, the **DCAP** and the **HSA Contribution Benefit** are separate plans for purposes of administration and all reporting and nondiscrimination requirements imposed by Code §§105 and 129. The **Health FSA** and the **Limited Scope Health FSA** are also separate plans for purposes of applicable provisions of COBRA and HIPAA.

1.4 Capitalized Terms

Many of the terms used in this document begin with a capital letter. These terms have special meaning under the Plan and are defined in the Glossary at the end of this document or in other relevant Sections. When reading the provisions of the Plan, please refer to the Glossary at the end of this document. Becoming familiar with the terms defined there will provide a better understanding of the procedures and Benefits described.

Section 2 General Information

Name of the Cafeteria Plan	State of Missouri Cafeteria Plan
Name of Employer	State of Missouri
Address of Plan	Office of Administration, P.O. Box 809, Jefferson City, MO 65102-0809
Plan Administrator	State of Missouri/Office of Administration
Plan Sponsor and its IRS	State of Missouri/Office of Administration
Employer Identification Number	44-6000987
Named Fiduciary & Agent for Service of Legal Process	State of Missouri
Type of Administration	The Plan is administered by the Plan Administrator with Benefits provided in accordance with the provisions of the State of Missouri Cafeteria Plan. It is not financed by an insurance company and Benefits are not guaranteed by a contract of insurance. State of Missouri may hire a third party to perform some of its administrative duties such as claim payments and enrollment.
Plan Number	501
Benefit Option Year	The twelve-month period ending December 31 (with an additional 2 ½ month grace period).
Plan Effective Date	January 1, 2015, with an original effective date of January 1, 1992
Claims Administrator	Application Software, Inc., dba ASI, dba ASIFlex
Plan Renewal Date	January 1
Internal Revenue Code and Other Federal Compliance	It is intended that this Plan meet all applicable requirements of the Internal Revenue Code of 1986 (the "Code") and other federal regulations. In the event of any conflict between this Plan and the Code or other federal regulations, the provisions of the Code and the federal regulations shall be deemed controlling, and any conflicting part of this Plan shall be deemed superseded to the extent of the conflict.
Discretionary Authority	The Plan Administrator shall perform its duties as the Plan Administrator and in its sole discretion, shall determine the appropriate courses of action in light of the reason and purpose for which this Plan is established and maintained.

In particular, the Plan Administrator shall have full and sole discretionary authority to interpret all Plan documents, and make all interpretive and factual determinations as to whether any individual is entitled to receive any Benefit under the terms of this Plan. Any construction of the terms of any Plan document and any determination of fact adopted by the Plan Administrator shall be final and legally binding on all parties. Any interpretation shall be subject to review only if it is arbitrary, capricious, or otherwise an abuse of discretion.

Any review of a final decision or action of the Plan Administrator shall be based only on such evidence presented to or considered by the Plan Administrator at the time it made the decision that is the subject of review. Accepting any Benefits or making any claim for Benefits under this Plan constitutes agreement with and consent to any decisions that the Plan Administrator makes in its sole discretion and further constitutes agreement to the limited standard and scope of review described by this section -- Section 2.

Section 3 Benefit Options and Method of Funding

3.1 Benefits Offered

Each Employee may elect to participate in one or more of the following Benefits based upon his/her eligibility as stated in Section 4:

- **Premium Payment Plan (PPP)** as described in Schedule A.
- **Health Flexible Spending Account (Health FSA)** as described in Schedule B.
- **Health Savings Account Contribution Benefit (HSA Contribution Benefit)** as described in Schedule C.
- **Dependent Care Assistance Program (DCAP)** as described in Schedule D.
- **Limited Scope Health Flexible Spending Account (Limited Scope Health FSA)** as described in Schedule E.

Benefits under the Plan shall not be provided in the form of deferred Compensation.

3.2 Employer and Participant Contributions

- **Employer Contributions.** The Employer may, but is not required to, contribute to any of the Benefit Options. There are no Employer Contributions for the **PPP** under this Plan; however, if the Participant elects the **PPP** as described in Schedule A, the Employer may contribute toward the Health Plan, Dental Plan and/or Vision Plan as provided in the respective plan or policy of the Employer.
- **Participant Contributions.** The Employer shall withhold from a Participant's Compensation by Salary Reduction on a pre-tax basis, or with after-tax deductions, an amount equal to the Contributions required for the Benefits elected by the Participant under the Salary Reduction Agreement. The maximum amount of Salary Reductions shall not exceed the aggregate cost of the Benefits elected.

3.3 Computing Salary Reduction Contributions

- **Salary Reductions per Pay Period.** The Participant's Salary Reduction is an amount equal to:
    - The annual election for such Benefits payable on a semi-monthly or monthly basis in the Period of Coverage;
    - An amount otherwise agreed upon between the Employer and the Participant; or
    - An amount deemed appropriate by the Plan Administrator. (Example: in the event of a shortage of reducible Compensation, amounts withheld and the Benefits to which Salary Reductions are applied may fluctuate.)

- **Salary Reductions Following a Change of Elections.** If the Participant changes his or her election under the **PPP, Health FSA, Limited Scope Health FSA**, or **DCAP,** as permitted under the Plan, the Salary Reductions will be, for the Benefits affected, calculated as follows:
  - An amount equal to:
    - The new annual amount elected pursuant to the Method of Timing and Elections section below;
    - Less the aggregate Contributions, if any, for the period prior to such election change;
    - Payable over the remaining term of the Period of Coverage commencing with the election change;
  - An amount otherwise agreed upon between the Employer and the Participant; or
  - An amount deemed appropriate by the Plan Administrator. (Example: in the event of a shortage of reducible Compensation, amounts withheld and the Benefits to which Salary Reductions are applied may fluctuate.)
- **Salary Reductions Considered Employer Contributions for Certain Purposes.** Salary Reductions to pay for the Participant's share of the Contributions for Benefit Options elected for purposes of this Plan and the Code are considered Employer Contributions.
- **Salary Reduction Balance Upon Termination of Coverage.** If, as of the date that coverage under this Plan terminates, a Participant's year-to-date Salary Reductions exceed or are less than the required Contributions necessary for Benefit Options elected up to the date of termination, the Employer will either return the excess to the Participant as additional taxable wages or recoup the amount due through Salary Reduction amounts from any remaining Compensation.
- **After-Tax Contributions for PPP.** After-tax Contributions for the Health Plan will be paid outside of this Plan.

3.4 **Funding This Plan**

- **Benefits Paid from General Assets.** All of the amounts payable under this Plan shall be paid from the general assets of the Employer. Nothing herein will be construed to require the Employer nor the Plan Administrator to maintain any fund or to segregate any amount for the Participant's benefit. Neither the Participant, nor any other person, shall have any claim against, right to, or security or other interest in any fund, account or asset of the Employer from which any payment under this Plan may be made. There is no trust or other fund from which Benefits are paid. While the Employer has complete responsibility for the payment of Benefits out of its general assets, it may hire a third party administrator to perform some of its administrative duties such as claims payments and enrollment.
- **Participant Bookkeeping Account.** While all Benefits are to be paid from the general assets of the Employer, the Employer will keep a bookkeeping account in the name of each Participant. The bookkeeping account is used to track allocation and payment of Plan Benefits. The Plan

Administrator will establish and maintain under each Participant's bookkeeping account a subaccount for each Benefit Option elected by each Participant.

- **Maximum Contributions.** The maximum Contributions that may be made under this Plan for the Participant are the total of the maximums that may be elected for the **PPP** as described in Schedule A, **Health FSA** as described in Schedule B, **HSA Contribution Benefit** as described in Schedule C, the **DCAP** as described in Schedule D, and the **Limited Scope Health FSA** as described in Schedule E.

Section 4
Eligibility and Participation

4.1 Eligibility to Participate

Any Employee (see definition of Employee as set forth in the glossary) may participate in the DCAP benefit.

Any Benefit Eligible Employee (see definition of Benefit Eligible Employee as set forth in the glossary) may participate in all benefit options for this plan.

Eligibility requirements to participate in the individual Benefit Options may vary from the eligibility requirements to participate in this Plan.

4.2 Required Salary Reduction Agreement

To participate in the **Health FSA, Limited Scope Health FSA,** or **DCAP**, an Employee must complete, sign and return to the Plan Administrator a Salary Reduction Agreement by the deadline designated by the Plan Administrator. If an Employee fails to return a Salary Reduction Agreement, the Employee is deemed to have elected cash and will not be allowed to change such election until the next Open Enrollment unless the Employee experiences an event permitting an election change mid-year.

The Employee may begin participation on the 1st of the month coincident with or next following the date on which the Employee has met the Plan's eligibility requirements or in accordance with the Enrollment requirements each year.

4.3 Termination of Participation

A Participant will terminate participation in this Plan upon the earlier of:

- The expiration of the Period of Coverage for which the Employee has elected to participate unless during the Open Enrollment Period for the next Plan Year the Employee elects to continue participating;
- The termination of this Plan; or
- The date on which the Employee ceases to be an eligible Employee because of retirement, termination of employment, layoff, reduction in hours, or any other reason. Eligibility may continue beyond such date for purposes of COBRA coverage, where applicable as set forth in the respective Schedule attached hereto, as may be permitted by the Plan Administrator on a uniform and consistent basis, but not beyond the end of the current Plan Year.

False or Fraudulent Claims. The Plan Administrator has the authority to terminate participation in the Plan if it has been determined that a Participant has filed a false or fraudulent claim for Benefits. In addition, an Employee filing a false or fraudulent claim is subject to disciplinary action, up to and including termination of employment.

Termination of participation in this Plan will automatically revoke the Participant's participation in the elected Benefit Options, according to the terms thereof.

4.4 Rehired Employees

If a Participant terminates employment with the Employer for any reason, including, but not limited to, disability, retirement, layoff, leave of absence without pay, or voluntary resignation, and then is rehired within the same Plan Year and within 30 days or less of the date of termination of employment, the Employee will be reinstated with the same elections that the Participant had prior to termination. If the Employer rehires a former Participant within the same Plan Year but more than 30 days following termination of employment and the Participant is otherwise eligible to participate in the Plan, then the individual may make new elections as a new hire.

4.5 Eligibility Rules Regarding the Health FSA

A Benefit Eligible Employee enrolled in a Health Savings Account (HSA) is not eligible to enroll in the **Health FSA** but is eligible to enroll in the **Limited Scope Health FSA. An Employee is only allowed to enroll in either the Health FSA** or the **Limited Scope Health FSA**, not both.

4.6 Eligibility Rules Regarding the HSA Contribution Benefit

An Employee must be an HSA Employee to elect to participate in the **HSA Contribution Benefit Plan.**

Only Employees who satisfy the following conditions may be considered an HSA Employee:

- Covered under a qualifying High Deductible Health Plan (HDHP) maintained by the Employer;
- Opened an HSA with the custodian chosen by the Employer;
- Not covered under any other non-HDHP maintained by one Employer that is determined by the Employer to offer disqualifying health coverage;
- Not claimed as a tax dependent by anyone else;
- Not enrolled in Medicare coverage; and
- Eligible to participate in the Plan.

4.7 FMLA Leaves Of Absence

Health Benefits. Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying leave under FMLA then to the extent required by FMLA, the Participant will be entitled to continue the Benefits that provide health coverage on the same terms and conditions as if the Participant were still an active Employee. For example, the Employer will continue to pay its share of the Contribution to the extent the Participant opts to continue coverage. In the event of unpaid FMLA leave, a Participant may elect to continue such Benefits.

If the Participant elects to continue coverage while on FMLA leave, then the Participant may pay his or her share of the Contribution:

- With after-tax dollars, by sending monthly payments to the Employer's designee by the due date established by the Employer;

- With pre-tax dollars, by having such amounts withheld from the Participant's ongoing Compensation, if any; or

- By pre-paying all or a portion of the Contribution for the expected duration of the leave on a pre-tax Salary Reduction basis out of pre-leave Compensation.

To pre-pay the Contribution, the Participant must make a special election to that effect prior to the date that such Compensation would normally be made available. Pre-tax dollars may not be used to fund coverage during the next Plan Year (notwithstanding the Grace Period provision). However, see Sections B.7, D.8, and E.7 for information regarding the Grace Period for participants who terminate coverage.

Coverage will terminate if Contributions are not received by the due date established by the Employer. If a Participant's coverage ceases while on FMLA leave for any reason, including for non-payment of Contributions, the Participant will be entitled to re-enter upon return from such leave on the same basis as the Participant was participating in the Plan prior to the leave, or as otherwise required by the FMLA.

A Participant whose coverage ceased under any of the aforementioned plans will be entitled to elect whether to be reinstated in such plans at the same coverage level as in effect before the FMLA leave with increased Contributions for the remaining Period of Coverage, or at a coverage level that is reduced pro-rata for the period of FMLA leave during which the Participant did not pay Contributions. If a Participant elects a coverage level that is reduced pro-rata for the period of FMLA leave, the amount withheld from a Participant's Compensation on a payroll-by-payroll basis for the purpose of paying for his or her Contributions will be equal to the amount withheld prior to the period of FMLA leave.

Non-Health Benefits. If a Participant goes on a qualifying leave under the FMLA, then entitlement to non-health benefits (such as **DCAP** Benefits) is to be determined by the Employer's policy for providing such Benefits when the Participant is on leave not qualified as an FMLA leave of absence, as described below. If such policy permits a Participant to discontinue Contributions while on leave, then the Participant will, upon returning from leave, be required to repay the Contributions not paid by the Participant during the leave. Payment shall be withheld from the Participant's Compensation either on a pre-tax or after-tax basis, as may be agreed upon by the Plan Administrator and the Participant or as the Plan Administrator otherwise deems appropriate.

4.8 Non-FMLA Leaves of Absence

If a Participant goes on an unpaid leave of absence that does not affect eligibility, then the Participant will continue to participate and the Contributions due for the Participant will be paid by pre-payment before going on leave, by after-tax Contributions while on leave or with catch-up Contributions after the leave ends, as may be determined by the Plan Administrator.

If a Participant goes on an unpaid leave that affects eligibility, the election change rules set forth by this Plan will apply. To the extent COBRA applies, the Participant may continue coverage under COBRA.

4.9 Death

A Participant's beneficiaries or representative of the Participant's estate, may submit claims for expenses that the Participant incurred through the date of death. A Participant may designate a specific beneficiary for this purpose. If no beneficiary is specified, the Plan Administrator or its designee may designate the Participant's Spouse, another Dependent, or representative of the estate. Claims incurred by the Participant's covered Spouse or any other of the Participant's covered Dependents prior to the end of the month in which the Participant dies may also be submitted for reimbursement.

4.10 COBRA

Under the COBRA rules, as discussed in the attached Schedules B and C, where applicable, the Participant's Spouse and Dependents may be able to continue to participant under the **Health FSA** through the end of the Period of Coverage in which the Participant dies. The Participant's Spouse and Dependents may be required to continue making Contributions to continue their participation.

4.11 USERRA

Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying leave under USERRA, then to the extent required by USERRA, the Employer will continue the Benefits that provide health coverage on the same terms and conditions as if the Participant were still an active Employee. In the event of unpaid USERRA leave, a Participant may elect to continue such Benefits during the leave.

If the Participant elects to continue coverage while on USERRA leave, then the Participant may pay his or her share of the Contribution with:

- After-tax dollars, by sending monthly payments to the Employer by the due date established by the Employer; or

- Pre-tax dollars, by having such amounts withheld from the Participant's ongoing Compensation, if any, including unused sick days and vacation days.

Coverage will terminate if Contributions are not received by the due date established by the Employer. If a Participant's coverage ceases while on USERRA leave for any reason, including for non-payment of Contributions, the Participant will be entitled to re-enter such Benefit upon return from such leave on the date of such resumption of employment and will have the same opportunities to make elections under this Plan as persons returning from non-USERRA leaves. Regardless of anything to the contrary in this Plan, an Employee returning from USERRA leave has no greater right to Benefits for the remainder of the Plan Year than an Employee who has been continuously working during the Plan Year.

Section 5
Method of Timing and Elections

5.1 Initial Election

An Employee must complete, sign and return a Salary Reduction Agreement within the election-period set forth therein to enroll in the Benefit Options, other than the **PPP**.

Unless otherwise specified by the Employer, an Employee who first becomes eligible to participate in the Plan mid-year will commence participation on the 1st day of the month coinciding with or after the date the Employee completes, signs and returns a Salary Reduction Agreement or completes a Salary Reduction Agreement using the electronic system produced by the Employer (if any), within the election period set forth therein.

Eligibility for Benefits shall be subject to the additional requirements, if any, specified in the applicable Benefit Option (see Glossary for definition). The provisions of this Plan are not intended to override any exclusions, eligibility requirements or waiting periods specified in the applicable Benefit Options.

5.2 Open Enrollment

During each Open Enrollment Period, the Plan Administrator shall make available a Salary Reduction Agreement to each Employee who is eligible to participate in the Plan. The Salary Reduction shall enable the Employee to elect to participate in the Benefit Options for the next Plan Year, and to authorize the necessary Salary Reductions to pay for the Benefits elected. The Employee must complete sign and return the Salary Reduction Agreement or complete an election using the electronic system provided by the Employer, if any, to the Plan Administrator on or before the last day of the Open Enrollment Period. There is an exception of automatic elections in the PPP.

If an Employee makes an election to participate during an Open Enrollment Period, then the Employee will become a Participant on the first day of the next Plan Year.

The Employer may, in lieu of a Salary Reduction Agreement, provide an electronic method for Employees to use to make elections. The Employer may require Employees to use the electronic system to make elections. Use of an electronic system will have the same effect as a signed Salary Reduction Agreement.

5.3 Failure To Elect

If an Employee fails to complete, sign and return a Salary Reduction Agreement or fails to complete an election using the electronic system (if any) provided by the Employer within the time described in the Elections paragraphs as discussed immediately above, then the Employee will be deemed to have elected to receive his or her entire Compensation in cash (excluding the PPP). The Employer provides for an automatic election for the **PPP**, therefore, the Employee will have also agreed to a Salary Reduction for such Employee's Contribution to the **PPP**.

Such Employee may not enroll in the Plan:

- Until the next Open Enrollment Period; or

- Until an event occurs that would justify a mid-year election change as described in the Irrevocability of Election and Exceptions section below.

Section 6
Irrevocability of Elections and Exceptions

6.1 Irrevocability of Elections

A Participant's election under the Plan is irrevocable for the duration of the Period of Coverage to which it relates, except as described in this Section.

The irrevocability rules do not apply to the **HSA Contribution Benefit** election.

The rules regarding irrevocability of elections and exceptions are quite complex. The Plan Administrator will interpret these rules in accordance with prevailing IRS guidance.

6.2 Procedure for Making New Election If Exception to Irrevocability Applies

- **Timing for Making New Election if Exception to Irrevocability Applies.** A Participant may make a new election within 30 days of the occurrence of an event described in section 6.4 below, if the election under the new Salary Reduction Agreement is made on account of and corresponds to the event. A Change in Status, as defined below, that automatically results in ineligibility in the Health Plan shall automatically result in a corresponding election change, whether or not requested.

- **Effective Date of New Election.** Elections made pursuant to this Section shall be effective on the 1st of the month following or coinciding with the Plan Administrator's receipt and approval of the election request for the balance of the Period of Coverage following the change of election unless a subsequent event allows for a further election change. Except as provided in "Certain Judgments, Decrees and Orders" or for HIPAA special enrollment rights in the event of birth, adoption, or placement for adoption, all election changes shall be effective on a prospective basis only.

- **Changes.** For subsequent Plan Years, the maximum and minimum dollar limit may be changed by the Plan Administrator and shall be communicated to Employees through the Salary Reduction Agreement or other document.

- **Effect on Maximum Benefits.** Any change in an election affecting annual Contributions to the **Health FSA, Limited Scope Health FSA,** or **DCAP** also will change the maximum reimbursement Benefits for the balance of the Period of Coverage commencing with the election change. Such maximum reimbursement Benefits for the balance of the Period of Coverage shall be calculated by adding:

    - Any Contributions made by the Participant as of the end of the portion of the Period of Coverage immediately preceding the change in election; to

    - The total Contributions scheduled to be made by the Participant during the remainder of such Period of Coverage to the Benefit Option; reduced by

    - All reimbursements made during the entire Period of Coverage.

6.3 Change in Status Defined

A Participant may make a new election that corresponds to a gain or loss of eligibility and coverage under this Plan or under any other plan maintained by the Employer or a plan of the Spouse's or Dependent's employer that was caused by the occurrence of a Change in Status. A Change in Status is any of the events described below, as well as any other events included under subsequent changes to Code §125 or regulations issued thereunder, which the Plan Administrator, in its sole discretion and on a uniform and consistent basis, determines are permitted under IRS regulations and under this Plan:

- **Legal Marital Status.** A change in a Participant's legal marital status including marriage, death of a Spouse, divorce, legal separation or annulment;
- **Number of Dependents.** Events that change a Participant's number of Dependents, including birth, death, adoption, and placement for adoption. In the case of the **DCAP**, a change in the number of Qualifying Individuals as defined in Code §21(b)(1);
- **Employment Status.** Any of the following events that change the employment status of the Participant, Spouse or Dependents:
    - A termination or commencement of employment;
    - A commencement of or return from an unpaid leave of absence;
    - A change in worksite; or
    - If the eligibility conditions of this Plan or another employee benefit plan of the Participant, Spouse or Dependent depend on the employment status of that individual and there is a change in that individual's status with the consequence that the individual becomes, or ceases to be, eligible under this Plan or another employee benefit plan;
- **Dependent Eligibility Requirements.** An event that causes a Dependent to satisfy or cease to satisfy the Dependent eligibility requirements for a particular Benefit; and
- **Change in Residence.** A change in the place of residence of the Participant, Spouse or Dependent(s).

6.4 Events Permitting Exception to Irrevocability Rule

A Participant may change an election as described below upon the occurrence of the stated events for the applicable Benefit Option.

The following rules shall apply to all Benefit Options except where expressly limited below.

- **Open Enrollment Period.** A Participant may change an election during the Open Enrollment Period.

- **Termination of Employment.** A Participant's election will terminate upon termination of employment as described in the Eligibility and Participation section above.

- **Leave of Absence.** A Participant may change an election upon a leave of absence as described in the Eligibility and Participation section above.

- **Change in Status.** *(Applies to the **PPP, Health FSA, Limited Scope Health FSA,** and **DCAP** as limited below.)* A Participant may change the actual or deemed election under the Plan upon the occurrence of a Change in Status, but only if such election change corresponds with a gain or loss of eligibility and coverage under a plan of the Employer or a plan of the Spouse's or Dependent's employer, referred to as the general consistency requirement.

  A Change in Status that affects eligibility for coverage also includes a Change in Status that results in an increase or decrease in the number of an Employee's family members who may benefit from the coverage.

  The Plan Administrator, on a uniform and consistent basis, shall determine, based on prevailing IRS guidance, whether a requested change satisfies the general consistency requirement. Assuming that the general consistency requirement is satisfied, a requested election change must also satisfy the following specific consistency requirements in order for a Participant to be able to alter elections based on the specified Change in Status:

  - **Loss of Spouse or Dependent Eligibility.** For a Change in Status involving a Participant's divorce, annulment or legal separation, the death of a Spouse or a Dependent, or a Dependent's ceasing to satisfy the eligibility requirements for coverage, a Participant may only elect to cancel health plan, dental plan, and/or vision plan coverage for:

    - The Spouse involved in the divorce, annulment, or legal separation;

    - The deceased Spouse or Dependent; or

    - The Dependent that ceased to satisfy the eligibility requirements.

    Canceling coverage for any other individual under these circumstances fails to correspond with that Change in Status.

    Notwithstanding the foregoing, if the Participant or his or her Spouse or Dependent becomes eligible for COBRA or similar health plan continuation coverage under the Employer's plan, then the Participant may increase his or her election to pay for such coverage. This rule does not apply to a Participant's Spouse who becomes eligible for COBRA or similar coverage as a result of divorce, annulment, or legal separation.

  - **Gain of Coverage Eligibility Under Another Employer's Plan.** When a Participant, Spouse or Dependent gains eligibility for coverage under a cafeteria plan or qualified benefit plan of the employer of that Participant's Spouse or Dependent, a Participant may elect to terminate or decrease coverage for that individual only if coverage for that individual becomes effective or is increased under the Spouse's or Dependent's employer's plan. The Plan Administrator may rely on a Participant's certification that the Participant has obtained

or will obtain coverage under the Spouse's or Dependent's employer's plan, unless the Plan Administrator has reason to believe that the Participant's certification is incorrect.

- **Special Consistency Rule for DCAP Benefits.** With respect to the **DCAP**, the Participant may change or terminate the Participant's election upon a Change in Status if:
  - Such change or termination is made on account of and corresponds with a Change in Status that affects eligibility for coverage under an Employer's plan; or
  - The election change is on account of and corresponds with a Change in Status that affects eligibility of Dependent Care Expenses for the tax exclusion under Code §129.

- **HIPAA Special Enrollment Rights** (*Applies to the **PPP** only*). If the Participant, the Participant's Spouse or Dependent is entitled to special enrollment rights under a group health plan as required by HIPAA, then the Participant may revoke a prior election for group health plan coverage and make a new election provided that the election change corresponds with such HIPAA special enrollment right. As more specifically defined by HIPAA, a special enrollment right will arise in the following circumstances:
  - The Participant, Spouse or Dependent declined to enroll in group health plan coverage because the Participant, the Participant's Spouse or Dependent had coverage, and eligibility for such coverage is subsequently lost because the coverage was provided under COBRA and the COBRA coverage was exhausted; or the coverage was non-COBRA coverage and the coverage terminated due to loss of eligibility for coverage or the employer contributions for the coverage were terminated;
  - The Participant acquired a new Dependent as a result of marriage, birth, adoption or placement for adoption; or
  - The Employee or Dependents who are eligible but did not enroll for coverage when initially eligible and:
    - The Employee or Dependent's Medicaid or Children's Health Insurance Program (CHIP) coverage terminated as a result of loss of eligibility and the Employee requests coverage under the Plan within 60 days after the termination; or
    - The Employee or Dependent becomes eligible for a premium assistance subsidy under Medicaid or CHIP, and the employee requests coverage under the Plan within 60 days after eligibility is determined.

  An election to add previously eligible Dependents as a result of the acquisition of a new Spouse or Dependent child shall be considered to be consistent with the special enrollment right. An election change due to birth, adoption, or placement for adoption of a new Dependent child may, subject to the group health plan, be effective retroactively for up to 30 days.

- **Certain Judgments, Decrees and Orders.** (*Applies to the **PPP, Health FSA, Limited Scope Health FSA, but does not apply to the DCAP***). If a judgment, decree, or order resulting from a divorce, legal separation, annulment or change in legal custody, including a Qualified Medical Child

Support Order (QMCSO) requires accident or health coverage, including an election for **Health FSA** Benefits for a Participant's Dependent child, a Participant may:

- Change an election to provide coverage for the Dependent child provided that the order requires the Participant to provide coverage; or

- Change an election to revoke coverage for the Dependent child if the order requires that another individual provide coverage under that individual's plan and such coverage is actually provided.

- **Medicare and Medicaid.** (*Applies to the **PPP, Health FSA, Limited Scope Health** FSA, but does not apply to the **DCAP***). If a Participant, Spouse or Dependent is enrolled in a Benefit under this Plan and becomes entitled to Medicare or Medicaid (other than coverage consisting solely of benefits under Section 1928 of the Social Security Act providing for pediatric vaccines), the Participant may prospectively reduce or cancel the Health Plan covering the person, and the **Health FSA** coverage may be cancelled but not reduced. However, such cancellation will not be effective to the extent that it would reduce future contributions to the **Health FSA** or the **Limited Scope Health FSA** to a point where the total contributions for the Plan Year are less than the amount already reimbursed for the Plan Year. Further, if a Participant, Spouse, or Dependent who has been entitled to Medicare or Medicaid loses eligibility for such coverage, the Participant may prospectively elect to commence or increase the **Health FSA** or the **Limited Scope Health FSA** coverage.

- **Change in Cost.** *(Applies to the **PPP** and **DCAP** as limited below, but does not apply to the **Health FSA** or the **Limited Scope Health FSA**).* For purposes of this Section, "similar coverage" means coverage for the same category of Benefits for the same individuals.

  - **Insignificant Cost Changes.** The Participant is required to increase his or her elective Contributions to reflect insignificant increases in the required Contribution for the Benefit Options, and to decrease the elective Contributions to reflect insignificant decreases in the required Contribution. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will determine whether an increase or decrease is insignificant based upon all the surrounding facts and circumstances, including but not limited to the dollar amount or percentage of the cost change. The Plan Administrator, on a reasonable and consistent basis, will automatically make this increase or decrease in affected Participants' elective Contributions on a prospective basis.

  - **Significant Cost Increases.** If the Plan Administrator determines that the cost charged to an Employee for a Benefit significantly increases during a Period of Coverage, the Participant may:

    - Make a corresponding prospective increase to elective Contributions by increasing Salary Reductions;

    - Revoke the election for that coverage, and in lieu thereof, receive on a prospective basis coverage under another Benefit Option that provides similar coverage; or

- Terminate coverage going forward if there is no other Benefit Option available that provides similar coverage.

The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a cost increase is significant.

- **Significant Cost Decreases.** If the Plan Administrator determines that the cost of any Benefit (such as the premium for the Health Plan) significantly decreases during a Period of Coverage, then the Plan Administrator may permit the following election changes:

  - Participants enrolled in that Benefit Option may make a corresponding prospective decrease in their elective contributions by decreasing Salary Reductions;

  - Participants who are enrolled in another benefit package option may change their election on a prospective basis to elect the Benefit Option that has decreased in cost; or

  - Employees who are otherwise eligible may elect the Benefit Option that has decreased in cost on a prospective basis, subject to the terms and limitations of the Benefit Option. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a cost decrease is significant.

- **Limitation on Change in Cost Provisions for DCAP Benefits.** The above "Change in Cost" provisions apply to **DCAP** Benefits only if the cost change is imposed by a dependent care provider who is not a relative of the Employee.

- **Change in Coverage.** (*Applies to the **PPP** and **DCAP**, but not to the **Health FSA** or the **Limited Scope Health FSA***). The definition of "similar coverage" applied in the Change of Cost provision above also applies here.

  - **Significant Curtailment.** Coverage under a Plan is deemed to be "significantly curtailed" only if there is an overall reduction in coverage provided under the Plan to constitute reduced coverage generally. If coverage is "significantly curtailed," Participants may elect coverage under a Benefit Option that provides similar coverage. In addition, if the coverage curtailment results in a "Loss of Coverage" as defined below, Participants may drop coverage if no similar coverage is offered by the Employer. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a curtailment is "significant," and whether a Loss of Coverage has occurred in accordance with prevailing IRS guidance.

    - **Significant Curtailment Without Loss of Coverage.** If the Plan Administrator determines that a Participant's coverage under a Benefit Option (or the Participant's, Spouse's or Dependent's coverage under the respective employer's plan) is significantly curtailed without a Loss of Coverage during a Period of Coverage, the Participant may revoke an election for the affected coverage and prospectively elect coverage under another Benefit Option if offered, that provides similar coverage.

    - **Significant Curtailment With a Loss of Coverage.** If the Plan Administrator determines that a Participant's coverage under this Plan (or the Participant's, Spouse's or Dependent's coverage under the respective employer's plan) is significantly curtailed,

and such curtailment results in a Loss of Coverage during a Period of Coverage, the Participant may revoke an election for the affected coverage, and may either prospectively elect coverage under another Benefit Option that provides similar coverage or drop coverage if no other Benefit Option providing similar coverage is offered by the Employer.

- **Definition of Loss of Coverage.** For purposes of this Section, a "Loss of Coverage" means a complete loss of coverage. In addition, the Plan Administrator in its sole discretion and on a uniform and consistent basis, may treat the following as a Loss of Coverage:

  - A substantial decrease in the health care providers available under the Benefit Package Plan;

  - A reduction in benefits for a specific type of medical condition or treatment with respect to which the Participant or his or her Spouse or Dependent is currently in a course of treatment; or

  - Any other similar fundamental loss of coverage.

- **Addition or Significant Improvement of a Benefit Option.** If during a Period of Coverage, the Plan adds a new Benefit Option or significantly improves an existing Benefit Option, the Plan Administrator may permit the following election changes:

  - Participants who are enrolled in a Benefit Option other than the newly-added or significantly improved Benefit Option that provides similar coverage may change their election on a prospective basis to cancel the current Benefit Option and instead elect the newly added or significantly improved Benefit Option; and

  - Employees who are otherwise eligible may elect the newly added or significantly improved Benefit Option on a prospective basis, subject to the terms and limitations of the Benefit Option. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether there has been an addition of, or a significant improvement in, a Benefit Option.

- **Loss of Coverage Under Another Group Health Coverage.** A Participant may prospectively change an election to add group health coverage for the Participant, Spouse or Dependent, if such individual(s) loses coverage under any group health coverage sponsored by a governmental or educational institution, including, but not limited to, the following:

  - A children's health insurance program (CHIP) under Title XXI of the Social Security Act;

  - A health care program of an Indian Tribal government (as defined in Code §7701(a)(40)), the Indian Health Service, or a tribal organization;

  - A state health benefits risk pool; or

  - A foreign government group health plan, subject to the terms and limitations of the applicable Benefit Option.

- **Change in Coverage Under Another Employer Plan.** A Participant may make a prospective election change that is on account of and corresponds with a change made under an employer plan, including a plan of the Employer or a plan of the Spouse's or Dependent's employer, so long as:

  - The other cafeteria plan or qualified benefits plan permits its participants to make an election change that would be permitted under applicable IRS regulations; or

  - The Plan permits Participants to make an election for a Period of Coverage that is different from the plan year under the other cafeteria plan or qualified benefits plan.

  The Plan Administrator, on a uniform and consistent basis, will decide whether a requested change is because of, and corresponds with, a change made under the other employer plan.

- **Enrollment in a Group Health Plan that Offers Minimal Essential Coverage or in a Health Care Exchange or Marketplace.** An Employee may make a **prospective** election change that is on account of and corresponds with a change to his/her PPP election, so long as:

  - The Employee's employment status changes from an expectation to work 30 hours or more per week to an expectation to work less than 30 hours per week (even if that change fails to make the Employee ineligible for Employer-sponsored group health plan coverage); AND the Employee enrolls in a group health plan that offers minimal essential coverage (as defined by the Affordable Care Act) with a new coverage effective date no later than the first day of the second month following the month that includes the date the original coverage is revoked; or

  - The Employee is eligible for a Special Enrollment Period to enroll in a Qualified Health Plan through a Marketplace or the Employee seeks to enroll in a Marketplace during the Marketplace's annual open enrollment period; AND the Employee enrolls in the Marketplace with a new coverage effective date no later than the day immediately following the last day the original coverage is revoked.

- **Change in Dependent Care Service Provider.** A Participant may make a prospective election change that corresponds with a change in the dependent care service provider. For example:

  - If the Participant terminates one dependent care service provider and hires a new dependent care service provider, the Participant may change coverage to reflect the cost of the new service provider; and

  - If the Participant terminates a dependent care service provider because a relative or other person becomes available to take care of the child at no charge, the Participant may cancel coverage.

  A Participant entitled to change an election as described in this Section must do so in accordance with the procedures described in this Section.

6.5 Election Modifications for HSA Contribution Benefits May be Changed Prospectively At Any Time

As set forth in Schedule C, an election to make a Contribution to an **HSA Contribution Benefit** can be increased, decreased or revoked at any time on a prospective basis. Such election changes shall be effective no later than the 1st day of the next calendar month following the date that the election change was filed. No other Benefit Option election changes can occur as a result of a change in an **HSA Contribution Benefit** election except as otherwise permitted in this Section.

A Participant entitled to change an election as described in this Section must do so in accordance with the procedures established by the applicable participating Employer or Health Plan.

6.6 Election Modifications Required by Plan Administrator

The Plan Administrator may require, at any time, any Participant or class of Participants to amend their Salary Reductions for a Period of Coverage if the Plan Administrator determines that such action is necessary or advisable in order to:

- Satisfy any of the Code's nondiscrimination requirements applicable to this Plan or another cafeteria plan;
- Prevent any Employee or class of Employees from having to recognize more income for federal income tax purposes from the receipt of Benefits hereunder than would otherwise be recognized;
- Maintain the qualified status of Benefits received under this Plan; or
- Satisfy any of the Code's nondiscrimination requirements or other limitations applicable to the Employer's qualified Plans.

In the event that Contributions need to be reduced for a class of Participants, the Plan Administrator will reduce the Salary Reduction amounts for each affected Participant, beginning with the Participant in the class who had elected the highest Salary Reduction amount, and continuing with the Participant in the class who had elected the next-highest Salary Reduction amount, and so forth, until the defect is corrected.

Section 7
Claims and Appeals

7.1 Claims Under the Plan

If a claim for reimbursement under the **Health FSA, Limited Scope Health FSA,** or **DCAP** is wholly or partially denied, or if the Participant is denied a Benefit under the Plan regarding the Participant's coverage under the Plan, then the claims procedure described below will apply.

7.2 Notice from ASI

If a claim is denied in whole or in part, ASI will notify the Participant in writing within 30 days of the date that ASI received the claim. This time may be extended for an additional 15 days for matters beyond the control of ASI, including cases where a claim is incomplete. ASI will provide written notice of any extension, including the reason(s) for the extension and the date a decision by ASI is expected to be made. When a claim is incomplete, the extension notice will also specifically describe the required information, and will allow the Participant at least 45 days from receipt of the notice to provide the specified information, and will have the effect of suspending the time for a decision on the claim until the specified information is provided. Notification of a denied claim will include:

- The specific reasons for the denial;
- The specific Plan provisions on which the denial is based;
- A description of any additional material or information necessary to validate the claim and an explanation of why such material or information is necessary; and
- Appropriate information on the steps to take to appeal ASI's adverse benefits determination, including the right to submit written comments and have them considered, and the right to review, upon request and at no charge, relevant documents and other information, and the right to file suit, where applicable, with respect to any adverse benefits determination after the final appeal of the claim.

7.3 First Level Appeal to ASI

If a claim is denied in whole or in part, the Participant, or the Participant's authorized representative, may request a review of the adverse benefits determination upon written application to ASI. The Participant, or the Participant's authorized representative, may request access to all relevant documents in order to evaluate whether to request review of an adverse benefits determination and, if review is requested, to prepare for such review.

An appeal of an adverse benefits determination must be made in writing within 90 days upon receipt of the notice that the claim was denied. If an appeal is not made within the above referenced timeframe all rights to appeal the adverse benefits determination and to file suit in court will be forfeited unless otherwise protected by law. A written appeal should include: additional documents, written comments, and any other information in support of the appeal. The review of the adverse benefits determination will take into account all new information, whether or not presented or available at the initial determination. No deference will be afforded to the initial determination.

7.4 ASI Action on Appeal

ASI, within a reasonable time, but no later than 60 days after receipt of the request for review, will decide the appeal. ASI may, in its discretion, hold a hearing on the denied claim. Any medical expert consulted in connection with the appeal will be different from and not subordinate to any expert consulted in connection with the initial claim denial. The identity of any medical expert consulted in connection with the appeal will be provided. If the decision on review affirms the initial denial of the claim, a notice will be provided which sets forth:

- The specific reasons for the decision on review;
- The specific Plan provisions on which the decision is based;
- A statement regarding the right to review, upon request and at no charge, relevant documents and other information. If an internal rule, guideline, protocol, or other similar criterion is relied on in making the decision on review, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge upon request; and
- Appropriate information on the steps to take to appeal ASI's adverse benefits determination, including the right to submit written comments and have them considered, and the right to review, upon request and at no charge, relevant documents and other information, and the right to file suit, where applicable, with respect to any adverse benefits determination after the final appeal of the claim.

7.5 Second and Final Level Appeal to the Plan Administrator

If the decision on review affirms ASI's initial denial, the Participant may request a review of the adverse appeal determination upon written application to the Plan Administrator.

The Participant, or the Participant's authorized representative, may request access to all relevant documents in order to evaluate whether to request review of an adverse benefits determination and, if review is requested, to prepare for such review.

An appeal of an adverse appeal determination must be made in writing within 30 days after receipt of the notice that the first level appeal was denied. If an appeal is not made within the above referenced timeframe all rights to appeal the adverse benefits determination and to file suit in court will be forfeited unless otherwise protected by law. A written appeal should include: additional documents, written comments, and any other information in support of the appeal. The review of the adverse benefits determination will take into account all new information, whether or not presented or available at the initial determination. No deference will be afforded to the prior determination.

7.6 Plan Administrator Action on Appeal

The Plan Administrator, within a reasonable time, but no later than 60 days after receipt of the request for review, will decide the appeal. The Plan Administrator may, in its discretion, hold a hearing on the denied claim. Any medical expert consulted in connection with the appeal will be different from and not subordinate to any expert consulted in connection with the prior claim denial. The identity of any

medical expert consulted in connection with the appeal will be provided. If the decision on review affirms the initial denial of the claim, a notice will be provided which sets forth:

- The specific reason(s) for the decision on review;
- The specific Plan provision(s) on which the decision is based;
- A statement regarding the right to review, upon request and at no charge, relevant documents and other information. If an internal rule, guideline, protocol, or other similar criterion is relied on in making the decision on review, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge upon request.

7.7 **Appeal Procedure for Eligibility or Salary Reduction Issues**

If the Participant is denied a Benefit under the Plan due to questions regarding the Participant's eligibility or entitlement for coverage under the Plan or regarding the amount the Participant owes, the Participant may request a review upon written application to the Plan Administrator.

The Participant, or the Participant's authorized representative, may request access to all relevant documents in order to evaluate whether to request review of an adverse benefits determination and if review is requested, to prepare for such review.

An appeal of an adverse benefits determination must be made in writing within 180 days upon receipt of the notice that the claim was denied. If an appeal is not made within the above referenced timeframe all rights to appeal the adverse benefits determination and to file suit in court will be forfeited unless otherwise protected by law. A written appeal should include: additional documents, written comments, and any other information in support of the appeal. The review of the adverse benefits determination will take into account all new information, whether or not presented or available at the initial determination. No deference will be afforded to the initial determination.

The Plan Administrator, within a reasonable time, but no later than 30 days after receipt of the request for review, will decide the appeal. The Plan Administrator may, in its discretion, hold a hearing on the denied claim. Any medical expert consulted in connection with the appeal will be different from and not subordinate to any expert consulted in connection with the initial claim denial. The identity of any medical expert consulted in connection with the appeal will be provided. If the decision on review affirms the initial denial of the claim, a notice will be provided which sets forth:

- The specific reasons for the decision on review;
- The specific Plan provisions on which the decision is based;
- A statement regarding the right to review, upon request and at no charge, relevant documents and other information. If an "internal rule, guideline, protocol, or other similar criterion" is relied on in making the decision on review, a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will be provided free of charge upon request; and

- Appropriate information on the steps to take to appeal the Plan Adminstrator's adverse benefits determination, including the right to submit written comments and have them considered, and the right to review, upon request and at no charge, relevant documents and other information, and the right to file suit, where applicable, with respect to any adverse benefits determination after the final appeal of the claim.

If the decision on review affirms the Plan Administrator's denial, the Participant may request a review of the adverse appeal determination upon written application to the Plan Administrator. The Second and Final Level of Appeals Procedures described above will apply.

Section 8 Plan Administration

8.1 Plan Administrator

The administration of this Plan shall be under the supervision of the Plan Administrator. It is the principal duty of the Plan Administrator to see that this Plan is carried out in accordance with the terms of the Plan document and for the exclusive benefit of persons entitled to participate in this Plan and without discrimination among them.

8.2 Powers of the Plan Administrator

The Plan Administrator shall have such powers and duties as may be necessary or appropriate to discharge its functions hereunder. The Plan Administrator shall have final discretionary authority to make such decisions and all such determinations shall be final, conclusive and binding. The Plan Administrator shall have the exclusive right to interpret the Plan and to decide all matters hereunder. The Plan Administrator shall have the following discretionary authority:

- To construe and interpret this Plan, including all possible ambiguities, inconsistencies and omissions in the Plan and related documents, and to decide all questions of fact, questions relating to eligibility and participation, and questions of Benefits under this Plan (provided that the Plan Administrator shall exercise such exclusive power with respect to an appeal of a claim);
- To prescribe procedures to be followed and the forms to be used by Employees and Participants to make elections pursuant to this Plan;
- To prepare and distribute information explaining this Plan and the Benefits under this Plan in such manner as the Plan Administrator determines to be appropriate;
- To request and receive from all Employees and Participants such information as the Plan Administrator shall from time to time determine to be necessary for the proper administration of this Plan;
- To furnish each Employee and Participant with such reports in relation to the administration of this Plan as the Plan Administrator determines to be reasonable and appropriate, including appropriate statements setting forth the amounts by which a Participant's Compensation has been reduced in order to provide Benefits under this Plan;
- To receive, review and keep on file such reports and information concerning the Benefits covered by this Plan as the Plan Administrator determines from time to time to be necessary and proper;
- To appoint and employ such individuals or entities to assist in the administration of this Plan as it determines to be necessary or advisable, including legal counsel and Benefit consultants;
- To sign documents for the purposes of administering this Plan, or to designate an individual or individuals to sign documents for the purposes of administering this Plan;

- To secure independent medical or other advice and require such evidence as deemed necessary to decide any claim or appeal; and

- To maintain the books of accounts, records, and other data in the manner necessary for proper administration of this Plan and to meet any applicable disclosure and reporting requirements.

8.3 **Reliance on Participant, Tables, etc.**

The Plan Administrator may rely upon the Participant's direction, information or election as being proper under the Plan and shall not be responsible for any act or failure to act because of a direction or lack of direction by the Participant. The Plan Administrator will also be entitled, to the extent permitted by law, to rely conclusively on all tables, valuations, certificates, opinions and reports that are furnished by accountants, attorneys, or other experts employed or engaged by the Plan Administrator.

8.4 **Outside Assistance**

The Plan Administrator may employ such counsel, accountants, claims administrators, consultants, actuaries and other person or persons as the Plan Administrator shall deem advisable. The Plan shall pay the compensation of such counsel, accountants, and other person or persons and any other reasonable expenses incurred by the Plan Administrator in the administration of the Plan. Unless otherwise provided in the service agreement, obligations under this Plan shall remain the obligations of the Employer and the Plan Administrator.

8.5 **Insurance Contracts**

The Employer and/or some of the related employers adopting this Plan may have the right to enter into a contract with one or more insurance companies or self-fund for the purposes of providing any Benefits under the Plan; and to replace any of such insurance companies, contracts, or benefits. Any dividends, retroactive rate adjustments or other refunds of any type that may become payable under any such insurance contract shall not be assets of the Plan but shall be the property of, and be retained by, the Employer, to the extent that such amounts are less than aggregate Employer Contributions toward such insurance.

8.6 **Fiduciary Liability**

To the extent permitted by law, the Plan Administrator shall not incur any liability for any acts or for failure to act.

8.7 **Inability to Locate Payee**

If the Plan Administrator is unable to make payment to the Participant or another person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of the Participant or such other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to the Participant or such other person shall be sent to the state's unclaimed property division.

8.8 Effect of Mistake

In the event of a mistake as to the eligibility or participation of an Employee, or the allocations made to the Participant's account, or the amount of Benefits paid or to be paid to the Participant or another person, the Plan Administrator shall, to the extent administratively possible and otherwise permissible under Code §125 or the regulations issued thereunder, correct by making the appropriate adjustments of such amounts as necessary to credit the Participant's account or such other person's account or withhold any amount due to the Plan or the Employer from Compensation paid by the Employer.

Section 9
Amendment or Termination of the Plan

9.1 Permanency

While the Employer fully expects that this Plan will continue indefinitely, due to unforeseen, future business contingencies, permanency of the Plan will be subject to the Employer's right to amend or terminate the Plan, as provided in the paragraphs below.

9.2 Right to Amend

The Employer reserves the right to merge or consolidate the Plan and to make any amendment or restatement to the Plan from time-to-time, including those which are retroactive in effect. Such amendments may be applicable to any Participant.

Any amendment or restatement shall be deemed to be duly executed when properly promulgated under the requirements of Chapter 536.

9.3 Right to Terminate

The Plan Administrator reserves the right to discontinue or terminate the Plan in whole or in part at any time without prejudice. A related employer has the right to discontinue participating in the Plan at the end of each calendar year.

Section 10 General Provisions

10.1 No Contract of Employment

Nothing contained in the Plan shall be construed as a contract of employment with the Employer or as a right of any Employee to be continued in the employment of the Employer, or as a limitation of the right of the Employer to discharge any Employee, with or without cause.

10.2 Compliance with Federal Mandates

To the extent applicable for each Benefit Option, the Plan will provide Benefits in accordance with the requirements of all federal mandates, including USERRA, COBRA, and HIPAA. This Plan shall be construed, operated and administered accordingly, and in the event of any conflict between any part, clause or provision of this Plan and the Code, the provisions of the Code shall be deemed controlling, and any conflicting part, clause or provision of this Plan shall be deemed superseded to the extent of the conflict.

10.3 Verification

The Plan Administrator shall be entitled to require reasonable information to verify any claim or the status of any person as an Employee or Dependent. If the Participant does not supply the requested information within the applicable time limits or provide a release for such information, the Participant will not be entitled to Benefits under the Plan.

10.4 Limitation of Rights

Nothing appearing in or done pursuant to the Plan shall be held or construed:

- To give any person any legal or equitable right against the Employer, any of its employees, or persons connected therewith, except as provided by law; or
- To give any person any legal or equitable right to any assets of the Plan or any related trust, except as expressly provided herein or as provided by law.

10.5 Non-Assignability of Rights

The right of any Participant to receive any reimbursement under this Plan shall not be alienable by the participant by assignment or any other method and shall not be subject to claims by the Participant's creditors by any process whatsoever. Any attempt to cause such right to be so subjected will not be recognized, except to the extent required by law.

10.6 Governing Law

This Plan is intended to be construed, and all rights and duties hereunder are governed, in accordance with the laws of the State of Missouri, except to the extent such laws are preempted by any federal law.

10.7 **Severability**

If any provision of the Plan is held invalid or unenforceable, its validity or unenforceability shall not affect any other provision of the Plan, and the Plan shall be construed and enforced as if such provision had not been included herein.

10.8 **Captions**

The captions contained herein are inserted only as a matter of convenience and for reference and in no way define, limit, enlarge or describe the scope or intent of the Plan nor in any way shall affect the Plan or the construction of any provision thereof.

10.9 **Federal Tax Disclaimer**

To ensure compliance with requirements imposed by the IRS to the extent this Plan Document or any Schedule contains advice relating to a federal tax issue, it is not intended or written to be used, and it may not be used, for the purpose of avoiding any penalties that may be imposed on the Participant or any other person or entity under the Internal Revenue Code or promoting, marketing or recommending to another party any transaction or matter addressed herein.

10.10 **No Guarantee of Tax Consequences**

Neither the Plan Administrator nor the Employer make any commitment or guarantee that any amounts paid to the Participant or for the Participant's benefit under this Plan will be excludable from the Participant's gross income for federal, state or local income tax purposes. It shall be the Participant's obligation to determine whether each payment under this Plan is excludable from the Participant's gross income for federal, state and local income tax purposes, and to notify the Plan Administrator if the Participant has any reason to believe that such payment is not so excludable.

10.11 **Indemnification of Employer**

If the Participant receives one or more payments or reimbursements under this Plan on a pre-tax Salary Reduction basis, and such payments do not qualify for such treatment under the Code, the Participant shall indemnify and reimburse the Employer for any liability the Employer may incur for failure to withhold federal income taxes, Social Security taxes, or other taxes from such payments or reimbursements.

Section 11 HIPAA Privacy and Security

11.1 Provision of Protected Health Information to Employer

For purposes of this Section, Protected Health Information (PHI) shall have the meaning as defined in HIPAA. PHI means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a Participant; the provision of health care to a Participant; or the past, present, or future payment for the provision of health care to a Participant; and that identifies the Participant or for which there is a reasonable basis to believe the information can be used to identify the Participant. PHI includes information of persons living or deceased.

Members of the Employer's workforce have access to the individually identifiable health information of Plan Participants for administrative functions of the **Health FSA** and the **Limited Scope Health FSA**, plus any other Benefit Option which might be subject to the privacy and security provisions of HIPAA (hereinafter referred to collectively as the Plan). When this health information is provided to the Employer, it is PHI. HIPAA and its implementing regulations restrict the Employer's ability to use and disclose PHI. The Employer shall have access to PHI from the Plan only as permitted under this Section or as otherwise required or permitted by HIPAA.

11.2 Permitted Disclosure of Enrollment/Disenrollment Information

The Plan Administrator or ASI may disclose to the Employer information on whether the individual is participating in the Plan.

11.3 Permitted Uses and Disclosure of Summary Health Information

The Plan may disclose Summary Health Information to the Employer, provided that the Employer requests the Summary Health Information for the purpose of modifying, amending, or terminating the Plan.

Summary Health Information means information:

- That summarizes the claims history, claims expenses, or type of claims experienced by individuals for whom a plan sponsor had provided health benefits under a health plan; and
- From which the required information has been deleted, except that the geographic information need only be aggregated to the level of a five-digit ZIP code.

11.4 Permitted and Required Uses and Disclosure of PHI for Plan Administration Purposes

Unless otherwise permitted by law, and subject to the conditions of disclosure and obtaining written certification described below, the Plan may disclose PHI to the Employer, provided that the Employer uses or discloses such PHI only for Plan Administration Purposes.

Plan Administration Purposes means administration functions performed by the Employer on behalf of the Plan, such as quality assurance, claims processing, auditing, and monitoring. Plan Administration functions do not include functions performed by the Employer in connection with any other benefit or benefit plan of the Employer, and they do not include any employment-related functions.

Notwithstanding the provisions of this Plan to the contrary, in no event shall the Employer be permitted to use or disclose PHI in a manner that is inconsistent with 45 CFR § 164.504(f).

11.5 **Conditions of Disclosure for Plan Administration Purposes**

Employer agrees that with respect to any PHI (other than enrollment/disenrollment information and Summary Health Information, which are not subject to these restrictions) disclosed to it, the Employer shall:

- Not use or further disclose PHI other than as permitted or required by the Plan or as required by law;
- Ensure that any agent, including a subcontractor, to whom it provides PHI received from the Plan agrees to the same restrictions and conditions that apply to the Employer with respect to PHI;
- Not use or disclose the PHI for employment-related actions and decisions;
- Report to the Plan any use or disclosure of the information that is inconsistent with the uses or disclosures provided for of which it becomes aware;
- Make available PHI to comply with HIPAA's right to access in accordance with 45 CFR §164.524;
- Make available PHI for amendment and incorporate any amendments to PHI in accordance with 45 CFR §164.526;
- Make available the information required to provide an accounting of disclosures in accordance with 45 CFR §164.528;
- Make its internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of Health and Human Services for purposes of determining compliance with HIPAA's privacy and security requirements;
- If feasible, return or destroy all PHI received from the Plan that the Employer still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and
- Ensure that the adequate separation between the Plan and the Employer (i.e., the "firewall"), required in 45 CFR §504(f)(2)(iii), is satisfied.

The Employer further agrees that if it creates, receives, maintains, or transmits any electronic PHI (other than enrollment/disenrollment information and Summary Health Information, which are not subject to these restrictions) on behalf of the Plan, it will implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the electronic PHI, and it will ensure that any agents, including subcontractors, to whom it provides such

electronic PHI agrees to implement reasonable and appropriate security measures to protect the information. The Employer will report to the Plan any security incident of which it becomes aware.

11.6 **Adequate Separation Between Plan and Employer**

The Employer shall designate such employees of the Employer who need access to PHI in order to perform Plan administration functions that the Employer performs for the Plan such as quality assurance, auditing, monitoring, payroll, and appeals. No other persons shall have access to PHI. These specified employees, or classes of employees, shall only have access to and use of PHI to the extent necessary to perform the plan administration functions that the Employer performs for the Plan.

In the event that any of these designated employees do not comply with the provisions of this Section, that employee shall be subject to disciplinary action by the Employer for non-compliance pursuant to the Employer's employee discipline and termination procedures.

The Employer will ensure that the provisions of this Section are supported by reasonable and appropriate security measures to the extent that the designees have access to electronic PHI.

11.7 **Certification of Plan Sponsor**

The Plan shall disclose PHI to the Employer only upon the receipt of a certification by the Employer that the Plan has been amended to incorporate the provisions of 45 CFR §164.504(f)(2)(ii), and that the Employer agrees to the conditions of disclosure set forth under the section entitled *Conditions of Disclosure for Plan Administration Purposes*.

11.8 **Organized Health Care Arrangement**

The Plan Administrator intends the Plan to form part of an Organized Health Care Arrangement along with any other Benefit Option under a covered health plan under 45 CFR §160.103 provided by Employer.

IN WITNESS WHEREOF, and as conclusive evidence of the adoption of the foregoing instrument comprising the State of Missouri Cafeteria Plan, State of Missouri has caused this Plan to be executed in its name and on its behalf, on this ____ day of _____, 20___.

State of Missouri

By:_____

Its:_____

Attest:_____

Its:_____

Glossary

Capitalized terms used in the Plan have the following meanings:

Account means the account(s) maintained under this Cafeteria Plan by the Plan Administrator to which allocations of employer contributions are made for each participant as required by this Cafeteria Plan and from which payments, as permitted by this Cafeteria Plan, shall be paid.

Benefit or Benefits means the Benefit Options offered under the Plan.

Benefit Eligible Employee means an Employee eligible for a group health insurance plan sponsored by the Employer. A Benefit Eligible Employee is eligible to enroll in all of the benefit plans under this Plan, including the PPP, the Health FSA, the Limited Scope Health FSA, and/or the DCAP. Eligibility for the different benefit plans under this Plan is also defined in Section 4.1.

Benefit Option means a qualified benefit under Code §125(f) that is offered under this Cafeteria Plan, or an option for coverage under an underlying accident or health plan.

Cafeteria Plan means the State of Missouri Cafeteria Plan as set forth herein and as amended from time to time.

Claims Administrator means Application Software, Inc., dba ASI, dba ASIFlex.

COBRA means the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended.

Code means the Internal Revenue Code of 1986, as amended.

Compensation means the wages or salary paid to an Employee by the Employer, determined prior to: any Salary Reduction election under this Plan; any Salary Reduction election under any other cafeteria plan; any compensation reduction under any Code §132(f)(4) plan; and any salary deferral elections under any Code §§401(k), 408(k) or 457(b) Plan or arrangement.

Contribution means the amount contributed to pay for the cost of Benefits as calculated under the Benefit Options.

DCAP means Dependent Care Assistance Program.

Dental and Vision Expenses has the meaning defined in the **Limited Scope Health FSA** Schedule below (see Schedule E).

Dependent means any individual who is a tax dependent of the Participant as defined in Code §§105(b) and 152, with the following exceptions:

- For purposes of accident or health coverage (to the extent funded under the **PPP** and for purposes of the **Health FSA)**:
    - A dependent is defined as in Code §§105(b) and 152, determined without regard to §152 subsections (b)(1), (b)(2), and (d)(1)(B) thereof; and

- Any child whom IRS Rev. Proc. 2008-48 applies (regarding certain children of divorced or separated parents who receive more than half of their support for the calendar year from one or both parents and are in the custody of one or both parents for more than half of the calendar year) is treated as a dependent of both parents; and

- For purposes of the **DCAP**, a dependent means a Qualifying Individual.

Notwithstanding the foregoing, the **Health FSA** Component will provide Benefits in accordance with the applicable requirements of any QMCSO, even if the child does not meet the definition of "Dependent."

Dental Plan means the group dental insurance benefit plan sponsored by the Employer.

Dependent Care Assistance Program means the dependent care assistance program component established by Employer under the Plan. It allows the Participant to use pre-tax dollars to pay for the care of the Participant's eligible Dependents while the Participant is at work.

Dependent Care Expenses has the meaning described in the **DCAP** Schedule below (see Schedule D).

Earned Income means all income derived from wages, salaries, tips, self-employment, and other compensation (such as disability or wage continuation Benefits), but only if such amounts are includible in gross income for the taxable year. Earned income does not include: any amounts received pursuant to any **DCAP** established under Code §129; or any other amounts excluded from earned income under Code §32(c)(2), such as amounts received under a pension or annuity, or pursuant to workers' compensation.

Effective Date of this Plan shall be January 1,2015.

Employee means any person employed by the employer. An Employee is eligible to enroll in the DCAP. Eligibility for the different benefit plans under this Plan is also defined in Section 4.1.

The following classes of employees cannot participate in the State of Missouri Cafeteria Plan:

- Leased employees (as defined by §414 (n) of the Code);

- Contract workers and independent contractors; and

- Individuals paid by a temporary or other employment or staffing agency.

Employer means State of Missouri including any agency, or department of the State of Missouri other than the University of Missouri and Southeast Missouri State University.

ERISA means the Employee Retirement Income Security Act of 1974, as amended.

FMLA means the Family and Medical Leave Act of 1993, as amended.

Grace Period means a period of time as specified by the Employer in which qualified Medical Care Expenses and/or Dependent Care Expenses incurred during the period may be paid or reimbursed from benefits or contributions remaining unused at the end of the immediately preceding Plan year from

each respective account. Such Grace Period shall not extend beyond the fifteenth day of the third calendar month after the end of the immediately preceding Plan Year to which the Grace Period relates.

HDHP means High Deductible Health Plan.

Health Care Expenses has the meaning defined in the **Health FSA** Schedule below (see Schedule B).

Health Flexible Spending Account means the health flexible spending account component established by the Employer under the Plan. It allows a Participant to use pre-tax dollars to pay for most health and dental expenses not reimbursed under other programs.

Health FSA means Health Flexible Spending Account.

Health Plan means the group health insurance benefit plan sponsored by the Employer.

Health Savings Account means the savings account Benefit Option established by the Employer's designee under this Plan.

High Deductible Health Plan means the high deductible health plan offered by the Employer that is intended to qualify as a high deductible health plan under Code §223(c)(2), as described in materials provided separately by the Employer.

HIPAA means the Health Insurance Portability and Accountability Act of 1996, as amended.

HSA means a Health Savings Account established under Code §223. Such arrangements are individual trusts or custodial accounts, each separately established and maintained by an Employee with a qualified trustee/custodian.

HSA Contribution Benefit means the election to allow an Employee to receive HSA Contributions on a pre-tax, Salary Reduction basis and such Employer Contributions are excludable from the HSA Employee's income.

HSA Employee means an Employee covered under a qualifying High Deductible Health Plan (HDHP) (as defined by IRC §223). In order to receive Employer **HSA Contribution Benefit**, the Employee must certify that he or she: cannot be claimed as another person's tax dependent; is not entitled to Medicare Benefits, and does not have any health coverage other than HDHP coverage.

Limited Scope Health Flexible Spending Account means the limited scope health flexible spending account component established by the Employer under the Plan. It allows a Participant to use pre-tax dollars to pay for dental and vision expenses not reimbursed under other programs.

Limited Scope Health FSA means Limited Scope Health Flexible Spending Account.

Office of Administration means the Office of Administration of the State of Missouri.

Open Enrollment Period with respect to a Plan Year means a period as described by the Plan Administrator preceding the Plan Year during which Participants may make Benefit elections for the Plan Year.

Participant means a person who is an Employee and who is participating in this Plan in accordance with the provisions of the Eligibility and Participation Section. Participants include: (a) those that elect to receive Benefits under this Plan, and enroll for Salary Reductions to pay for such Benefits; and (b) those that elect instead to receive their full salary in cash and have not elected the **Health FSA** or **DCAP**.

Period of Coverage means the Plan Year, with the following exceptions: for Employees who first become eligible to participate, it shall mean the portion of the Plan Year following the date participation commences, as described in the Eligibility and Participation Section; and for Employees who terminate participation, it shall mean the portion of the Plan Year prior to the date participation terminates, as described in the Eligibility and Participation Section.

PHI means Protected Health Information.

Plan means the State of Missouri Cafeteria Plan, as set forth herein and as amended from time to time.

Plan Administrator means the Office of Administration of its duly appointed designee to administer this Cafeteria Plan.

Plan Year means the twelve-month period ending December 31.

PPP means the Premium Payment Plan.

Premium Payment Plan means the Benefit Option in which an Employee can elect to participate and have Contributions for the employer-sponsored Health Plan, Dental Plan, or Vision Plan paid on a pre-tax basis.

Protected Health Information (PHI) means information that is created or received by State of Missouri Cafeteria Plan and relates to the past, present, or future physical, mental health or condition of a Participant; the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a Participant; and that identifies the Participant or for which there is a reasonable basis to believe the information can be used to identify the Participant. Protected health information includes information of persons living or deceased.

QMCSO means a Qualified Medical Child Support Order, as defined in ERISA §609(a).

Qualifying Dependent Care Services has the meaning described in the **DCAP** Schedule below (see Schedule D).

Qualifying Individual means:

- A tax dependent of the Participant as defined in Code §152 who is under the age of 13 and who is the Participant's qualifying child as defined in Code § 152(a)(1);

- A tax dependent of the Participant as defined in Code §152, but determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof, who is physically or mentally incapable of self-care and who has the same principal place of abode as the Participant for more than half of the year; or

- A Participant's Spouse who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the year.

Notwithstanding the foregoing, in the case of divorced or separated parents, a Qualifying Individual who is a child shall, as provided in Code §21(e)(5), be treated as a Qualifying Individual of the custodial parent (within the meaning of Code §152(e)) and shall not be treated as a Qualifying Individual with respect to the non-custodial parent.

Related Employer means any employer affiliated with State of Missouri that, under Code §414(b), (c), or (m), is treated as a single employer with State of Missouri for purposes of Code §125(g)(4), and which is listed in Appendix B.

Salary Reduction means the amount by which the Participant's Compensation is reduced and applied by the Employer under this Plan to pay for one or more of the Benefit Options.

Salary Reduction Agreement means the agreement, form(s) or Internet web site, which Employees use to elect one or more Benefit Options. The agreement, forms and/or internet web site spell out the procedures used for allowing an Employee to participate in this Plan and will allow the Employee to elect Salary Reductions to pay for any Benefit Options offered under this Plan.

Spouse means an individual who is legally married to a Participant as determined under applicable state law. Notwithstanding the above, for purposes of the **DCAP**, the term "Spouse" shall not include: an individual legally separated from the Participant under a divorce or separate maintenance decree; or an individual who, although married to the Participant, files a separate federal income tax return, maintains a principal residence separate from the Participant during the last six months of the taxable year, and does not furnish more than half of the cost of maintaining the principal place of abode of the Participant.

USERRA means the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

Vision Plan means the group vision insurance benefit plan sponsored by the Employer.

Waive coverage means to formally opt-out of participation in the **PPP** in writing or online.

Appendix A
Exclusions—Medical Expenses That Are Not Reimbursable From the Health FSA and the Limited Scope Health FSA

The Plan Document contains the general rules governing what expenses are reimbursable under the **Health FSA** and the **Limited Scope Health FSA**. This Appendix A, as referenced in the Plan Document, specifies certain expenses that are excluded under this Plan with respect to reimbursement from the **Health FSA** and the **Limited Scope Health FSA** -- that is, expenses that are *not* reimbursable, even if such expenses meet the definition of "medical care" under Code §§213(d) and 106(f) and may otherwise be reimbursable under the regulations governing health flexible spending accounts:

- Health insurance premiums for any other plan (including a plan sponsored by the Employer).
- Long-term care services.
- Cosmetic surgery or other similar procedures, unless the surgery or procedure is necessary to ameliorate a deformity arising from, or directly related to, a congenital abnormality, a personal injury resulting from an accident or trauma, or a disfiguring disease. "Cosmetic surgery" means any procedure that is directed at improving the patient's appearance and does not meaningfully promote the proper function of the body or prevent or treat illness or disease.
- The salary expense of a nurse to care for a healthy newborn at home.
- Funeral and burial expenses.
- Household and domestic help (even if recommended by a qualified physician due to an Employee's or Dependent's inability to perform physical housework).
- Custodial care.
- Costs for sending a problem child to a special school for Benefits that the child may receive from the course of study and disciplinary methods.
- Social activities, such as dance lessons (even if recommended by a physician for general health improvement).
- Bottled water.
- Cosmetics, toiletries, toothpaste, etc.
- Uniforms or special clothing, such as maternity clothing.
- Automobile insurance premiums.
- Over-the-counter medications and drugs, excluding insulin, without proof of a valid prescription.
- Marijuana and other controlled substances that are in violation of federal laws, even if prescribed by a physician.

- Any item that does not constitute "medical care" as defined under Code §§213(d) and 106(f).
- Any item that is not reimbursable under Code §§213(d) and 106(f) due to the rules in Prop. Treas. Reg. §1.125-2, Q-7(b)(4) or other applicable regulations.

Appendix B
Related Employers That Have Adopted This Plan

With the Approval of State of Missouri.

The following Related Employers have adopted this plan:

- The Office of Administration
- The Department of Agriculture
- The Department of Conservation
- The Department of Corrections
- The Department of Economic Development
- The Department of Elementary and Secondary Education
- The Department of Health and Senior Services
- The Department of Higher Education
- The Department of Insurance, Financial Institutions and Professional Registration
- The Department of Labor and Industrial Relations
- The Department of Mental Health
- The Department of Natural Resources
- The Department of Public Safety
- The Department of Revenue
- The Department of Social Services
- The Department of Transportation
- The Office of the Attorney General
- The Office of the Governor
- The Office of the Lieutenant Governor
- The Office of the State Auditor
- The Office of the Secretary of State
- The Office of the Treasurer
- The Missouri House of Representatives
- The Missouri Senate
- The Missouri Consolidated Health Care Plan
- The Missouri State Employees' Retirement System
- The Supreme Court
- Harris-Stowe State University Board of Regents
- Lincoln University Board of Curators
- Missouri State University
- Northwest Missouri State University Board of Regents
- Truman State University Board of Governors
- University of Central Missouri Board of Governors

Employer means State of Missouri including any agency, or department of the State of Missouri other than the University of Missouri, Southeast Missouri State University, Missouri Western University, and Missouri Southern State University.

Schedule A
Premium Payment Plan

Unless otherwise specified, terms capitalized in this Schedule A shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

A.1 Benefits

If the Employee is an enrolled participant in the Health Plan, Dental Plan, and/or Vision Plan and timely submits an executed Salary Reduction Agreement, the Employee can either:

- Option A: Elect Benefits under the **PPP** by electing to contribute his or her share for the Health Plan on a pre-tax basis; or

- Option B: Elect no Benefits under the **PPP** and to contribute his or her share, if any, for the Health Plan with after-tax deductions outside of this Plan.

If the Employee is an enrolled participant in the Health Plan, Dental Plan, and/or Vision Plan and does not timely submit an executed Salary Reduction Agreement, the Employee will be deemed to have elected Option A.

Benefits elected under Option A will be funded by the Participant's Contributions as provided in the Eligibility and Participation section in the Plan Document.

To determine when a Salary Reduction Agreement will be considered timely submitted, see the Method and Timing of Elections section in the Plan Document.

Unless an exception applies, as described in the Irrevocability of Elections and Exceptions section in the Plan Document, such election is irrevocable for the duration of the Period of Coverage to which it relates.

A.2 Benefit Contributions

The annual Contribution for the **PPP** is equal to the amount as set by the Employer, which may or may not be the same amount charged under the Health Plan, Dental Plan, and/or Vision Plan.

A.3 Medical Benefits Provided Under the Health Plan, Dental Plan, or Vision Plan

Medical benefits will be provided by the applicable Health Plan, Dental Plan, or Vision Plan, not this Plan. The types and amounts of medical benefits, the requirements for participation, and other terms and conditions of coverage and benefits of the Health Plan, Dental Plan and/or Vision Plan are set forth in the documents relating to that plan. No changes can be made under this Plan with respect to such Health Plan, Dental Plan, or Vision Plan if such changes are not permitted under the applicable Health Plan, Dental Plan, or Vision Plan.

All claims to receive benefits under the Health Plan, Dental Plan, or Vision Plan shall be subject to and governed by the terms and conditions of the applicable Health Plan, Dental Plan, or Vision Plan and the rules, regulations, policies and procedures adopted in accordance therewith, as may be amended from time to time.

A.4 COBRA

To the extent required by COBRA, the Participant, Spouse and Dependent, as applicable, whose coverage terminates under the Health Plan, Dental Plan, and/or Vision Plan because of a COBRA qualifying event and who is a qualified beneficiary as defined under COBRA, shall be given the opportunity to continue the same coverage that the Participant, Spouse or Dependent had under the Health Plan, Dental Plan, and/or Vision Plan the day before the qualifying event for the periods prescribed by COBRA, on a self-pay basis. Such continuation coverage shall be subject to all conditions and limitations under COBRA.

Schedule B
Health Flexible Spending Account

Unless otherwise specified, terms capitalized in this Schedule B shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

B.1 Benefits

ABenefit Eligible Employee not enrolled in the **HSA Contribution Benefit**, can elect to participate in the **Health FSA** by electing to receive Benefits in the form of reimbursements for Health Care Expenses. If elected, the Benefit Option will be funded by Participant Contributions on a pre-tax Salary Reduction basis as provided in the Employer and Participant Contributions section in the Plan Document.

Unless an exception applies as described in the Irrevocability of Elections and Exceptions section, such election is irrevocable for the duration of the Period of Coverage to which it relates.

The **HSA Contribution Benefit** cannot be elected with the **Health FSA**. In addition, a Participant who has an election for the **Health FSA** that is in effect on the last day of a Plan Year cannot elect the **HSA Contribution Benefit** for any of the first three calendar months following the close of that Plan Year, unless the balance in the Participant's **Health FSA** is $0 as of the last day of that Plan Year. For this purpose, a Participant's **Health FSA** balance is determined on a cash basis – that is, without regard to any claims that have been incurred but have not yet been reimbursed (whether or not such claims have been submitted).

B.2 Benefit Contributions

The annual Contribution for a Participant's **Health FSA** is equal to the annual Benefit amount elected by the Participant.

B.3 Eligible Health Care Expenses

Under the **Health FSA**, a Participant may receive reimbursement for Health Care Expenses incurred during the Period of Coverage for which an election is in force.

- **Incurred**. A Health Care Expense is incurred at the time the medical care or service giving rise to the expense is provided, and not when the Participant is formally billed for, is charged for, or pays for the medical care.

- **Health Care Expenses**. Health Care Expenses means expenses incurred by a Participant, or the Participant's Spouse or Dependent(s) covered under the **Health FSA** for medical care, as defined in Code §§213(d) and 106(f), other than expenses that are excluded by this Plan, but only to the extent that the Participant or other person incurring the expense is not reimbursed through any other accident or health plan.

- **Expenses That Are Not Reimbursable.** Insurance premiums are not reimbursable from the **Health FSA**. Other expenses that are not reimbursable are listed in Appendix A to the Plan Document.

B.4 Maximum and Minimum Benefits

- **Maximum Reimbursement Available; Uniform Coverage Rule.** The maximum dollar amount elected by the Participant for reimbursement of Health Care Expenses incurred during a Period of Coverage, reduced by prior reimbursements during the Period of Coverage, shall be available at all times during the Period of Coverage, regardless of the actual amounts credited to the Participant's **Health FSA**. Notwithstanding the foregoing, no reimbursements will be available for Health Care Expenses incurred after coverage under this Plan has terminated, unless the Participant has elected COBRA as provided below, or is entitled to submit expenses incurred during a Grace Period as provided below.

- **Payment** shall be made to the Participant in cash as reimbursement for Health Care Expenses incurred during the Period of Coverage for which the Participant's election is effective, or during a Grace Period as provided below, provided that the other requirements of this Section have been satisfied.

- **Maximum Dollar Limit.** The maximum annual benefit amount that a Participant may elect to receive under this Plan in the form of reimbursements for Health Care Expenses incurred in any Period of Coverage shall be the the maximum allowed under federal regulations (For Plan Year 2015, the State has chosen to limit the amount to $2,500 as the federal government has not yet released the maximum at the time of the filing of this document. This maximum is subject to adjustments for future plan years). Reimbursements due for Health Care Expenses incurred by the Participant's Spouse or Dependent(s) shall be charged against the Participant's **Health FSA**.

- **Changes**. For subsequent Plan Years, the maximum dollar limit may be changed by the Plan Administrator and shall be communicated to Employees through the Salary Reduction Agreement or another document.

- **No Proration**. If a Participant enters the Plan mid-year or wishes to increase his or her election mid-year as permitted under this Plan, then the Participant may elect coverage or increase coverage respectively, up to the maximum annual benefit amount stated above. The maximum annual benefit amount will not be prorated.

- **Effect on Maximum Benefits If Election Change Permitted**. Any change in an election affecting annual Contributions to the **Health FSA** will also change the maximum reimbursement benefits for the balance of the Period of Coverage commencing on the election change effective date. Such maximum reimbursement benefits for the balance of the Period of Coverage shall be calculated by adding:

  - The aggregate Contribution for the period prior to such election change; to

  - The total Contribution for the remainder of such Period of Coverage to the **Health FSA**; reduced by

  - All reimbursements made during the entire Period of Coverage.

- **FMLA Leave.** Any change in an election for FMLA leave will change the maximum reimbursement benefits in accordance with FMLA or the regulations governing cafeteria plans.

- **Monthly Limits on Reimbursing OTC Drugs.** Only reasonable quantities of over-the-counter (OTC) drugs or medicines of the same kind may be reimbursed from a Participant's **Health FSA** in a single calendar month, even assuming that the drug otherwise meets the requirements of this Section, including that it is for medical care under Code §§213(d) and 106(f). Stockpiling is not permitted.

B.5 Establishment of Account

The Plan Administrator will establish and maintain a **Health FSA** with respect to each Participant who has elected to participate in the **Health FSA**, but will not create a separate fund or otherwise segregate assets for this purpose. The account established hereto will merely be a record keeping account with the purpose of keeping track of Contributions and determining forfeitures.

- **Crediting of Accounts.** A Participant's **Health FSA** will be credited following each Salary Reduction actually made during each Period of Coverage with an amount equal to the Salary Reduction actually made.

- **Debiting of Accounts.** A Participant's **Health FSA** will be debited during each Period of Coverage for any reimbursement of Health Care Expenses incurred during the Period of Coverage or during a Grace Period as provided below.

- **Available Amount Not Based on Credited Amount.** The amount available for reimbursement of Health Care Expenses is the amount as calculated according to the "Maximum Reimbursement Available" paragraph of this Section above. It is not based on the amount credited to the **Health FSA** at a particular point in time.

B.6 Use It or Lose It Rule; Forfeiture Of Account Balance

- **Use It or Lose It Rule.** Except for expenses incurred during an applicable Grace Period, if any balance remains in the Participant's **Health FSA** for a Period of Coverage after all reimbursements have been made for the Period of Coverage, then such balance shall not be carried over to reimburse the Participant for Health Care Expenses incurred during a subsequent Plan Year. The Participant shall forfeit all rights with respect to such balance. The Grace Period shall begin immediately following the end of the Plan Year and terminate on the 15th day of the third calendar month after the end of the Plan Year. Claims must be submitted on or before April 15th of the year immediately following the close of the plan year in which the expenses were incurred.

- **Use of Forfeitures.** All forfeitures under this Plan shall be used as follows:

  - First, to offset any losses experienced by Employer during the Plan Year as a result of making reimbursements with respect to any Participant in excess of the Contributions paid by such Participant through Salary Reductions;

  - Second, to reduce the cost of administering the **Health FSA** during the Plan Year or the subsequent Plan Year (all such administrative costs shall be documented by the Plan Administrator); and

- To provide increased Benefits or compensation to all Participants in subsequent years in any weighted or uniform fashion that the Plan Administrator deems appropriate, consistent with applicable regulations.

- **Unclaimed Benefits.** Benefit payments that remain unclaimed by the close of the Plan Year following the Period of Coverage in which the Health Care Expense was incurred shall be forfeited and applied as described above.

B.7 Grace Period

- **Special Rules for Claims Incurred During a Grace Period.** The Employer has the discretion to establish a grace period following the end of the Plan Year, as follows:

  - An individual may be reimbursed for Health Care Expenses incurred during a Grace Period from amounts remaining in his or her **Health FSA** Account at the end of the Plan Year to which that Grace Period relates ("Prior Plan Year **Health FSA** Amounts") if the individual is either:

    - A qualified beneficiary as defined under COBRA who has COBRA coverage under the **Health FSA** Benefit Option on the last day of that Plan Year; or

    - A Participant with **Health FSA** coverage that is in effect on the last day of that Plan Year. As a clarification: A participant who terminates coverage before the last day of the Plan Year will not be reimbursed for expenses incurred during the Grace Period associated with that Plan Year. A terminated participant may only be reimbursed for expenses incurred during the participant's period of coverage (Health FSA participants' coverage ceases at the end of the month following the last contribution).

  - The Grace Period shall begin immediately following the end of the Plan Year and terminate on the 15th day of the third calendar month after the end of the Plan Year.

  - Prior Plan Year **Health FSA** Amounts may not be cashed out or converted to any other taxable or non-taxable Benefit Option. For example, Prior Plan Year **Health FSA** Amounts may not be used to reimburse Dependent Care Expenses.

  - Health Care Expenses incurred during a Grace Period and approved for reimbursement will be reimbursed first from any available Prior Plan Year **Health FSA** Amounts and then from any amounts that are available to reimburse expenses that are incurred during the current Plan Year. An individual's Prior Plan Year **Health FSA** Amounts will be debited for any reimbursement of Health Care Expenses incurred during the Grace Period that is made from such Prior Plan Year **Health FSA** Amounts.

  - Claims for reimbursement of Health Care Expenses incurred during a Grace Period must be submitted no later than April 15th following the close of the Plan Year to which the Grace Period relates in order to be reimbursed from Prior Plan Year **Health FSA** Amounts. Any Prior Plan Year **Health FSA** Amounts that remain after all reimbursements have been made for the Plan Year and its related Grace Period shall not be carried over to reimburse the Participant for expenses incurred in any subsequent period. The Participant will forfeit all

rights with respect to these amounts, which will be subject to the Plan's provisions regarding forfeitures.

B.8 Reimbursement Procedure

- **Timing**. Within 30 days after receipt by the Plan Administrator of a reimbursement claim from a Participant, the Employer will reimburse the Participant for the Participant's Health Care Expenses, or the Plan Administrator will notify the Participant that a claim has been denied. This time period may be extended for an additional 15 days for matters beyond the control of the Plan Administrator, including in cases where a reimbursement claim is incomplete. The Plan Administrator will provide written notice of any extension, including the reasons for the extension, and will allow the Participant 45 days from receipt of the written notice in which to complete an incomplete reimbursement claim.

- **Claims Substantiation**. A Participant who has elected to receive Health Care Reimbursement Benefits for a Period of Coverage may apply for reimbursement by submitting an application to the Plan Administrator by no later than the date set by the Plan Administrator each year, setting forth:

    - The person or persons on whose behalf Health Care Expenses have been incurred;
    - The nature and date of the expenses incurred;
    - The amount of the requested reimbursement;
    - A statement that such expenses have not otherwise been reimbursed and the Participant will not seek reimbursement through any other source; and
    - Other such details about the expenses that may be requested by the Plan Administrator in the reimbursement request form or otherwise.

  The application shall be accompanied by bills, invoices, or other statements from an independent third party showing that the Health Care Expenses have been incurred and the amounts of such expenses, together with any additional documentation that the Plan Administrator may request.

- **Claims Denied**. For appeal of claims that are denied, see the Appeals Procedure in the Plan Document.

- **Claims Ordering; No Reprocessing.** All claims for reimbursement will be paid in the order in which they are approved. Once paid, a claim will not be reprocessed or otherwise recharacterized solely for the purpose of paying it from amounts attributable to a different Plan Year or Period of Coverage.

B.9 Reimbursements After Termination; Limited COBRA Continuation

The Participant will not be able to receive reimbursements for Health Care Expenses incurred after participation terminates. However, except for expenses incurred during an appropriate Grace Period, such Participant, or the Participant's estate, may claim reimbursement for any Health Care Expenses

incurred during the Period of Coverage prior to termination, provided that the Participant, or the Participant's estate, files a claim by the date established in the Reimbursement Procedure paragraphs above following the close of the Plan Year in which the Health Care Expense was incurred.

Notwithstanding any provision to the contrary in this Plan, to the extent required by COBRA, a Participant and such Participant's Spouse and Dependent(s), whose coverage terminates under the **Health FSA** because of a COBRA qualifying event, shall be given the opportunity to continue the same coverage that the Participant had under the **Health FSA** the day before the qualifying event, subject to all conditions and limitations under COBRA. The Contributions for such continuation coverage will be equal to the cost of providing the same coverage to an active employee taking into account all costs incurred by the Employee and the Employer plus a 2% administration fee. Specifically, an individual will be eligible for COBRA continuation coverage only if the Participant's remaining available amount is greater than the Participant's remaining Contribution payments at the time of the qualifying event, taking into account all claims submitted before the date of the qualifying event. Such individual will be notified if the individual is eligible for COBRA continuation coverage.

If COBRA is elected, COBRA coverage will be subject to the most current COBRA rules. COBRA will be available only for the remainder of the Plan Year in which the qualifying event occurs. Such COBRA coverage for the **Health FSA** will cease at the end of the Plan Year, except for expenses incurred during an appropriate Grace Period, and cannot be continued for the next Plan Year. Coverage may terminate sooner if the Contributions for a Period of Coverage are not received by the due date established by the Plan Administrator for that Period of Coverage. Continuation coverage is only granted after the Plan Administrator has received the Contributions for that period of coverage.

Contributions for coverage for **Health FSA** Benefits may be paid on a pre-tax basis for current Employees receiving taxable compensation, as may be permitted by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from Contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year, where COBRA coverage arises either:

- Because the Employee ceases to be eligible because of a reduction of hours; or
- Because the Employee's Dependent ceases to satisfy the eligibility requirements for coverage.

For all other individuals (for example, Employees who cease to be eligible because of retirement, termination of employment, or layoff), Contributions for COBRA coverage for **Health FSA** Benefits shall be paid on an after-tax basis, unless permitted otherwise by the Plan Administrator, in its discretion and on a uniform and consistent basis, but may not be prepaid from Contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year.

B.10 Qualified Reservist Distribution

If a Participant meets all of the following conditions, the Participant may elect to receive a qualified reservist distribution from the **Health FSA**:

- The Participant's Contributions to the **Health FSA** for the Plan Year as of the date the qualified reservist distribution is requested exceeds the reimbursements the Participant has received from the **Health FSA** for the Plan Year as of that date.

- The Participant is ordered or called to active military duty for a period of at least 180 days or for an indefinite period by reason of being a member of the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service.

- The Participant has provided the Plan Administrator with a copy of the order or call to active duty. An order or call to active duty of less than 180 days' duration must be supplemented by subsequent calls or orders to reach a total of 180 or more days.

- The Participant is ordered or called to active military duty on or after April 1, 2009, or the Participant's period of active duty begins before April 1, 2009 and continues on or after the date.

- During the period beginning on the date of the Participant's order or call to active duty and ending on the last day of the Plan Year during which the order or call occurred, the Participant submits a qualified reservist distribution election form to the Plan Administrator.

Amount of Qualified Reservist Distribution. If the above conditions are met, the Participant will receive a distribution from the **Health FSA** equal to his or her Contributions to the **Health FSA** for the Plan Year as of the date of the distribution request, minus any reimbursements received for the Plan Year as of that date.

No Reimbursement for Expenses Incurred After Distribution Request. Once a Participant requests a qualified reservist distribution, the Participant forfeits the right to receive reimbursements for Health Care Expenses incurred during the period that begins on the date of the distribution request and ends on the last day of the Plan Year. The Participant may, however, continue to submit claims for Health Care Expenses that were incurred before the date of the distribution request (even if the claims are submitted after the date of the qualified reservist distribution), so long as the total dollar amount of the claims does not exceed the amount of the **Health FSA** election for the Plan Year, minus the sum of the qualified reservist distribution and the prior **Health FSA** reimbursements for the Plan Year.

Tax Treatment of a Qualified Reservist Distribution. If the Participant receives a qualified reservist distribution, it will be included in his or her gross income and will be reported as wages on the Participant's Form W-2 for the year in which it is paid.

B.11 Named Fiduciary

The Plan Administrator is the Named Fiduciary for the **Health FSA**.

B.12 Coordination of Benefits

Health FSAs are intended to pay Benefits solely for Health Care Expenses not previously reimbursed or reimbursable elsewhere. Accordingly, the **Health FSA** shall not be considered a group health plan for coordination of benefits purposes, and the **Health FSA** shall not be taken into account when determining benefits payable under any other plan.

Schedule C
HSA Contribution Benefit

Unless otherwise specified, terms capitalized in this Schedule C shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

C.1 HSA Tax Advantages

An Employee eligible to participate in the HSA may elect to participate in the **HSA Contribution Benefit** by electing to pay the Contributions on a pre-tax Salary Reduction basis to the Employee's Health Savings Account (HSA) established and maintained outside the Plan by a trustee/custodian to which the Employer can forward Contributions to be deposited. This funding feature constitutes the **HSA Contribution Benefit**.

As described more fully herein, such election can be increased, decreased or revoked prospectively at any time during the Plan Year, effective no later than the first day of the next calendar month following the date that the election change was filed.

C.2 Establishing an HSA

For administrative convenience, the Employer may choose to make Contributions for Employees to HSAs established at a bank selected by the Employer or limit the number of HSA providers to whom it will forward Contributions-such a list is not an endorsement of any HSA provider. The selected bank will be an authorized HSA trustee. The forms necessary to establish an HSA at the selected bank will be provided to Participants. Participants are responsible for managing their own **HSA**, including choosing how **HSA** funds are invested and following the rules of the selected bank and the IRS. Once the Employer Contributions have been deposited in a Participant's **HSA Contribution Benefit**, the Participant has a non-forfeitable interest in the funds and is free to request a distribution of the funds or to move them to another **HSA** provider, to the extent permitted by law.

The HSA Contribution Benefit cannot be elected with the **Health FSA**. In addition, a Participant who has an election for the **Health FSA** that is in effect on the last day of a Plan Year cannot elect the **HSA Contribution Benefit** for any of the first three calendar months following the close of that Plan Year, unless the balance in the Participant's **Health FSA** is $0 as of the last day of the Plan Year. For this purpose, a Participant's **Health FSA** balance is determined on a cash basis -- that is, without regard to claims that have been incurred but have not yet been reimbursed (whether or not such claims have been submitted).

C.3 Certification of HSA Contribution Benefit Eligibility

To be eligible for the **HSA Contribution Benefit**, an HSA Employee must certify to the Employer that he or she is eligible for an HSA contribution and does not have any non-HDHP coverage. A married Participant must also certify that his or her Spouse does not have any non-HDHP coverage. A Participant is required to notify the Employer immediately if there are any changes in the information contained in the certification. Failure to provide accurate and updated information could cause the **HSA Contribution Benefit** to be included in a Participant's gross income and may also be subject to excise tax.

C.4 Maximum Contribution

The annual Contribution for a Participant's **HSA Contribution Benefit** is equal to the annual Benefit amount elected by the Participant. In no event shall the amount elected exceed the statutory maximum amount for HSA contributions applicable to the Participant's HDHP coverage option for the calendar year in which the Contribution is made (for calendar year 2015, $3,350 for self-coverage or $6,650 for family coverage).

Participants age 55 or older may make an additional catch-up Contribution of $1,000 per year.

In addition, the maximum annual Contribution shall be:

- Reduced by any matching or other Employer Contribution made on the Participant's behalf; and
- Prorated for the number of months in which the Participant is an HSA Eligible Individual.

C.5 Recording Contributions for HSA

The Plan Administrator will maintain records to keep track of Contributions an Employee makes via pre-tax Salary Reductions to his or her HSA, but it will not create a separate fund or otherwise segregate assets for this purpose. The Employer has no authority or control over the funds deposited in an HSA.

C.6 Distributions from HSA Contribution Benefit

Distribution from an **HSA Contribution Benefit** will be tax-free if the distribution is for expenses incurred for a Participant's health care as defined in IRC §213(d) or the health care of a Participant's legal Spouse or tax Dependents. Expenses must have been incurred after the establishment of the **HSA Contribution Benefit** to be tax-free. **HSA Contribution Benefit** distributions used to pay insurance premiums will not be tax-free unless they are used for COBRA coverage, qualified long-term care insurance, health insurance maintained while the individual is receiving unemployment compensation under federal or state law, or health insurance for an individual age 65 or over, other than a Medicare supplemental policy.

C.7 Tax Treatment of HSA Contributions and Distributions

The tax treatment of the HSA is governed by Code §223.

C.8 Reporting Issues

Each Participant will be responsible for reporting Contributions made to his or her **HSA Contribution Benefit** and for reporting distributions from the HSA. A Participant is also responsible for reporting whether or not HSA distributions were used for qualified health expenses or whether the distributions were taxable. A Participant should maintain records sufficient to demonstrate whether or not distributions were taxable.

C.9 Voluntary Participation

Participation in the **HSA Contribution Benefit** is entirely voluntary and may be terminated at any time by notifying the Employer. Although the Employer expects to continue this **HSA Contribution Benefit**

indefinitely, it has the right to amend or terminate **HSA Contribution Benefit** at any time and for any reason. It is also possible that changes to the program will be necessary or advisable as a result of future changes in state or federal tax laws.

C.10 HSA Not Intended to be an ERISA Plan

The **HSA Contribution Benefit** under this Plan consist solely of the ability to make Contributions to the HSA on a pre-tax Salary Reduction basis. Terms and conditions of coverage and Benefits will be provided by and are set forth in the HSA, not this Plan. The terms and conditions of each Participant's HSA trust or custodial account are described in the HSA trust or custodial agreement provided by the applicable trustee/custodian to each electing Participant and are not a part of this Plan.

The HSA is not an employer-sponsored employee benefits plan. It is a savings account that is established and maintained by an HSA trustee/custodian outside this Plan to be used primarily for reimbursement of "qualified eligible health expenses" as set forth in Code §223(d)(2). The Employer has no authority or control over the funds deposited in a HSA. Even though this Plan may allow pre-tax Salary Reduction contributions to an HSA, the HSA is not intended to be an ERISA benefit plan sponsored or maintained by the Employer.

Schedule D
Dependent Care Assistance Program

Unless otherwise specified, terms capitalized in this Schedule D shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

D.1 Benefits

An Employee can elect to participate in the **DCAP** to receive Benefits in the form of reimbursements for Dependent Care Expenses. If elected, the Benefit Option will be funded by the Participant on a pre-tax Salary Reduction basis. Unless an exception applies, as described in the Irrevocability of Elections and Exceptions section above, such election is irrevocable for the duration of the Period of Coverage to which it relates.

D.2 Benefit Contributions

The annual Contribution for a Participant's **DCAP** Benefits is equal to the annual Benefit amount elected by the Participant, subject to the Maximum Benefits paragraph below.

D.3 Eligible Dependent Care Expenses

Under the **DCAP**, a Participant may receive reimbursement for Dependent Care Expenses incurred during the Period of Coverage or Grace Period for which an election is in force.

- **Incurred.** A Dependent Care Expense is "incurred" at the time the Qualifying Dependent Care Service giving rise to the expense is provided, and not when the Participant is formally billed for, is charged for, or pays for the Qualifying Dependent Care Services.

- **Dependent Care Expenses.** Dependent Care Expenses means expenses that are considered to be:

  - Employment-related expenses under Code §21(b)(2) relating to expenses for the care of a Qualifying Individual necessary for gainful employment of the Employee and Spouse; and

  - Expenses for incidental household services, if incurred by the Employee to obtain Qualifying Dependent Care Services, but only to the extent that the Participant or other person incurring the expense is not reimbursed for the expense through any other Plan.

  If only a portion of a Dependent Care Expense has been reimbursed elsewhere, the **DCAP** can reimburse the remaining portion of such Expense if it otherwise meets the requirements of this Schedule.

- **Qualifying Individual.** A Qualifying Individual is:

  - A tax dependent of the Participant as defined in Code §152 who is under the age of 13 and who is the Participant's qualifying child as defined in Code §152(a)(1);

- A tax dependent of the Participant as defined in Code §152, who is physically or mentally incapable of self-care and who has the same principal place of abode as the Participant for more than half of the year; or

- A Participant's Spouse, as defined in Code §152, who is physically or mentally incapable of self-care, and who has the same principal place of abode as the Participant for more than half of the year.

In the case of divorced or separated parents, a child shall be treated as a Qualifying Individual of the custodial parent within the meaning of Code §152(e).

- **Qualifying Dependent Care Services.** Qualifying Dependent Care Services means services that both:

  - Relate to the care of a Qualifying Individual that enable the Participant and Spouse to remain gainfully employed after the date of participation in the **DCAP** and during the Period of Coverage; and

  - Are performed:

    - In the Participant's home; or

    - Outside the Participant's home for:

      - The care of a Participant's Dependent who is under age 13; or

      - The care of any other Qualifying Individual who regularly spends at least 8 hours per day in the Participant's household.

In addition, if the expenses are incurred for services provided by a facility that provides care for more than six individuals not residing at the facility and that receives a fee, payment or grant for such services, then the facility must comply with all applicable state and local laws and regulations.

- **Exclusions.** Dependent Care Expenses do not include amounts paid to or for:

  - An individual with respect to whom a personal exemption is allowable under Code §151(c) to a Participant or Participant's Spouse;

  - A Participant's Spouse;

  - A Participant's child, as defined in Code §152(f)(l), who is under 19 years of age at the end of the year in which the expenses were incurred; and

  - A Participant's Spouse's child, as defined in Code §152 (a)(i), who is under 19 years of age at the end of the year in which the expenses were incurred.

D.4 Maximum Benefit

- **Maximum Reimbursement Available and Statutory Limits.** The maximum dollar amount elected by the Participant for reimbursement of Dependent Care Expenses incurred during a Period of Coverage shall only be available during the Period of Coverage to the extent of the actual amounts credited to the Participant's **DCAP** less amounts debited to the Participant's **DCAP** pursuant to the Maximum Contribution paragraph below.

  Payment shall be made to the Participant as reimbursement for Dependent Care Expenses incurred during the Period of Coverage for which the Participant's election is effective, provided that the other requirements of this Section have been satisfied.

  No reimbursement otherwise due to a Participant hereunder shall be made to the extent that such reimbursement, when combined with the total amount of reimbursements made to date for the Plan Year, would exceed the year to date amount of Participant Contributions to the **DCAP** for the Period of Coverage or applicable statutory limit.

- **Maximum Dollar Limit.** The maximum dollar limit for a Participant is the smallest of the following amounts:

  - The Participant's Earned Income for the calendar year;
  - The Earned Income for the calendar year of the Participant's Spouse who:
    - Is not employed during a month in which the Participant incurs a Dependent Care Expense; and
    - Is either physically or mentally incapable of self-care or a full-time student shall be deemed to have Earned Income in the amount of $250 per month per Qualifying Individual for whom the Participant incurs Dependent Care Expenses, up to a maximum amount of $500 per month); or
  - $5,000 for the calendar year or the maximum allowed under federal regulations, if:
    - The Participant is married and files a joint federal income tax return; or
    - The Participant is married, files a separate federal income tax return, and meets the following conditions:
      - The Participant maintains as his or her home a household that constitutes, for more than half of the taxable year, the principal abode of a Qualifying Individual;
      - The Participant furnishes over half of the cost of maintaining such household during the taxable year; and
      - During the last six months of the taxable year, the Participant's Spouse is not a member of such household; or
    - The Participant is single or is the head of the household for federal income tax purposes.

- $2,500 for the calendar year, or the maximum allowed under federal regulation, if the Participant is married and resides with the Spouse, but files a separate federal income tax return.

- **Changes.** For subsequent Plan Years, the maximum and minimum dollar limit may be changed by the Plan Administrator and shall be communicated to Employees through the Salary Reduction Agreement or another document.

- **No Proration.** If a Participant enters the Plan mid-year or wishes to increase his or her election mid-year as permitted under this Plan, then the Participant may elect coverage or increase coverage respectively, up to the maximum annual benefit amount stated above. The maximum annual benefit amount will not be prorated.

- **Effect on Maximum Benefits If Election Change Permitted.** Any change in an election affecting annual Contributions to the **DCAP** component will also change the maximum reimbursement Benefits for the balance of the Period of Coverage commencing with the election change effective date. Such maximum reimbursement Benefits for the balance of the Period of Coverage shall be calculated by adding:

  - The aggregate Contribution for the period prior to such election change; to

  - The total Contribution for the remainder of such Period of Coverage to the **DCAP**; reduced by

  - All reimbursements made during the entire Period of Coverage.

D.5 Establishment of Account

The Plan Administrator will establish and maintain a **DCAP** with respect to each Participant who has elected to participate in the **DCAP**, but will not create a separate fund or otherwise segregate assets for this purpose. The account so established will merely be a record keeping account with the purpose of keeping track of Contributions and determining forfeitures.

- **Crediting of Accounts.** A Participant's **DCAP** will be credited following each Salary Reduction actually made during each Period of Coverage with an amount equal to the Salary Reduction actually made.

- **Debiting of Accounts.** A Participant's **DCAP** will be debited during each Period of Coverage for any reimbursement of Dependent Care Expenses incurred during the Period of Coverage.

- **Available Amount is Based on Credited Amount.** The amount available for reimbursement of Dependent Care Expenses may not exceed the year-to-date amount credited to the Participant's **DCAP**, less any prior reimbursements. A Participant's **DCAP** may not have a negative balance during a Period of Coverage.

D.6 Grace Period and Unused Year End Balance

- **Grace Period**. The Employer has the discretion to establish a grace period following the end of the Plan Year as follows. If a Participant has unused funds in his or her **DCAP** at the end of the

Plan Year and the Participant is still an active Participant on the last day of the Plan year, such Participant is allowed to carry over the unused balance for reimbursement of Dependent Care Expenses incurred during the Grace Period. Unused funds in a Participant's **DCAP** may not be used to reimburse another Benefit Option the Participant may have elected. The Grace Period shall begin immediately following the end of the Plan Year and terminate on the 15th day of the third calendar month after the end of the Plan Year.

- **Use It or Lose It Rule**. Except for expenses incurred in an applicable Grace Period, if any balance remains in the Participant's **DCAP** after all reimbursements have been made for the Period of Coverage, it shall not be carried over to reimburse the Participant for Dependent Care Expenses incurred during the subsequent Plan Year. The Participant shall forfeit all rights with respect to such balance. Claims must be submitted on or before April 15th of the year immediately following the close of the plan year in which the expenses were incurred.

- **Use of Forfeiture**. All forfeitures shall be used by the Plan in the following ways:

  - To offset any losses experienced by the Employer during the Plan Year as a result of making reimbursements with respect to all Participants in excess of the Contributions paid by such Participant through Salary Reduction;

  - To reduce the cost of administering the **DCAP** during the Plan Year or the subsequent Plan Year (all such administrative costs shall be documented by the Plan Administrator); and

  - To provide increased Benefits or Compensation to Participants in subsequent years in any weighted or uniform fashion the Plan Administrator deems appropriate, and consistent with applicable regulations.

- **Unclaimed Benefits.** Any **DCAP** Benefit payments that are unclaimed by the close of the Plan Year following the Period of Coverage or Grace Period in which the Dependent Care Expense was incurred shall be applied as described above.

D.7 Reimbursement Procedure

- **Timing.** Within 30 days after receipt by the Plan Administrator of a reimbursement claim from a Participant, the Employer will reimburse the Participant for the Participant's Dependent Care Expenses or the Plan Administrator will notify the Participant that a claim has been denied. This time period may be extended an additional 15 days for matters beyond the control of the Plan Administrator, including in cases where a reimbursement claim is incomplete. The Plan Administrator will provide written notice of any extension, including the reasons for the extension, and will allow the Participant 45 days from receipt of the written notice in which to complete an incomplete reimbursement claim.

- **Claims Substantiation.** A Participant who has elected to receive **DCAP** Benefits for a Period of Coverage may apply for reimbursement by completing, signing, and returning an application to the Plan Administrator by no later than the date set by the Plan Administrator each year, setting forth:

  - The person or persons on whose behalf Dependent Care Expenses have been incurred;

- The nature and date of the expenses incurred;
- The amount of the requested reimbursement;
- The name of the person, organization or entity to whom the expense was or is to be paid;
- A statement that such expenses have not otherwise been reimbursed and the Participant will not seek reimbursement through any other source;
- The Participant's certification that he or she has no reason to believe that the reimbursement refunded, added to other reimbursements to date will exceed the limit herein; and
- Other such details about the expenses that may be requested by the Plan Administrator.

The Participant shall include bills, invoices, or other statements from an independent third party showing that the Dependent Care Expenses have been incurred and the amounts of such expenses, together with any additional documentation that the Plan Administrator may request.

- **Claims Denied.** For appeals of claims that are denied, see the Appeals Procedure in the Plan Document.

D.8 Reimbursements After Termination

If a Participant's employment terminates, the Participant may submit for reimbursement Dependent Care Expenses incurred before the last day of the Plan year (even if after the date of termination) up to the amount of the Participant's remaining **DCAP** Benefits. As a clarification: A participant who terminates coverage before the last day of the Plan Year will not be reimbursed for expenses incurred during the Grace Period associated with that Plan Year. A terminated participant may only be reimbursed for expenses incurred during the participant's period of coverage (DCAP participants' coverage ceases on the last day of the Plan year).

D.9 DCAP Participant vs. Claiming the Dependent Care Tax Credit

Employees often have the choice between participating in their employer's **DCAP** on a Salary Reduction basis or taking a Dependent Care Tax Credit under Code §21. Employees cannot take advantage of both tax benefit options for the same expenses. Employees with questions regarding which option is best should consult with an accountant.

Schedule E
Limited Scope Health Flexible Spending Account

Unless otherwise specified, terms capitalized in this Schedule E shall have the same meaning as the defined terms in the Plan Document to which this Schedule is attached.

E.1 Benefits

ABenefit Eligible Employee not enrolled in the **Health FSA** can elect to participate in the **Limited Scope Health FSA** by electing to receive Benefits in the form of reimbursements for dental and vision expenses. If elected, the Benefit Option will be funded by Participant Contributions on a pre-tax Salary Reduction basis as provided in the Employer and Participant Contributions section in the Plan Document.

Unless an exception applies as described in the Irrevocability of Elections and Exceptions section, such election is irrevocable for the duration of the Period of Coverage to which it relates.

The **HSA Contribution Benefit** may be elected with the **Limited Scope Health FSA**.

E.2 Benefit Contributions

The annual Contribution for a Participant's **Limited Scope Health FSA** is equal to the annual Benefit amount elected by the Participant.

E.3 Eligible Dental and Vision Expenses

Under the **Limited Scope Health FSA**, a Participant may receive reimbursement for dental and vision expenses incurred during the Period of Coverage for which an election is in force.

- **Incurred.** A dental or vision expense is incurred at the time the dental or vision care or service giving rise to the expense is provided, and not when the Participant is formally billed for, is charged for, or pays for the care.

- **Dental and Vision Expenses.** Dental and Vision Expenses means expenses incurred by a Participant, the Participant's Spouse or Dependent(s) covered under the **Limited Scope Health FSA** within the meaning of "health care" as defined in Code §§213(d) and 106(f), provided, however, that such expense is for vision or dental care only. This term does not include expenses that are excluded under Appendix A to this Plan, nor any expenses for which the Participant or other person incurring the expense is reimbursed for the expense through the Health Plan, other insurance, or any other accident or health plan. If only a portion of a Health Care Expense has been reimbursed elsewhere, then the **Limited Scope Health FSA** can reimburse the remaining portion of such Expense if it otherwise meets the requirements of this Section.

- **Expenses That Are Not Reimbursable.** Insurance premiums are not reimbursable from the **Limited Scope Health FSA**. Other expenses that are not reimbursable are listed in Appendix A to the Plan Document.

E.4 Maximum and Minimum Benefits

- **Maximum Reimbursement Available; Uniform Coverage Rule.** The maximum dollar amount elected by the Participant for reimbursement of Dental and Vision Expenses incurred during a Period of Coverage, reduced by prior reimbursements during the Period of Coverage, shall be available at all times during the Period of Coverage, regardless of the actual amounts credited to the Participant's **Limited Scope Health FSA**. Notwithstanding the foregoing, no reimbursements will be available for Dental and Vision Expenses incurred after coverage under this Plan has terminated, unless the Participant has elected COBRA as provided below, or is entitled to submit expenses incurred during a Grace Period as provided below.

- **Payment** shall be made to the Participant in cash as reimbursement for Dental and Vision Expenses incurred during the Period of Coverage for which the Participant's election is effective, or during a Grace Period as provided below, provided that the other requirements of this Section have been satisfied.

- **Maximum Dollar Limit.** The maximum annual benefit amount that a Participant may elect to receive under this Plan in the form of reimbursements for Dental and Vision Expenses incurred in any Period of Coverage shall be the the maximum allowed under federal regulations (For Plan Year 2015, the State has chosen to limit the amount to $2,500 as the federal government has not yet released the maximum at the time of the filing of this document. This maximum is subject to adjustments for future plan years). Reimbursements due for Dental and Vision Expenses incurred by the Participant's Spouse or Dependent(s) shall be charged against the Participant's **Limited Scope Health FSA**.

- **Changes**. For subsequent Plan Years, the maximum dollar limit may be changed by the Plan Administrator and shall be communicated to Employees through the Salary Reduction Agreement or another document.

- **No Proration**. If a Participant enters the Plan mid-year or wishes to increase his or her election mid-year as permitted under this Plan, then the Participant may elect coverage or increase coverage respectively, up to the maximum annual benefit amount stated above. The maximum annual benefit amount will not be prorated.

- **Effect on Maximum Benefits If Election Change Permitted**. Any change in an election affecting annual Contributions to the **Limited Scope Health FSA** will also change the maximum reimbursement benefits for the balance of the Period of Coverage commencing on the election change effective date. Such maximum reimbursement benefits for the balance of the Period of Coverage shall be calculated by adding:

  - The aggregate Contribution for the period prior to such election change; to

  - The total Contribution for the remainder of such Period of Coverage to the **Limited Scope Health FSA**; reduced by

  - All reimbursements made during the entire Period of Coverage.

- **FMLA Leave.** Any change in an election for FMLA leave will change the maximum reimbursement benefits in accordance with FMLA or the regulations governing cafeteria plans.

- **Monthly Limits on Reimbursing OTC Drugs.** Only reasonable quantities of over-the-counter (OTC) drugs or medicines of the same kind may be reimbursed from a Participant's **Limited Scope Health FSA** in a single calendar month, even assuming that the drug otherwise meets the requirements of this Section, including that it is for dental or vision care under Code §§213(d) and 106(f). Stockpiling is not permitted.

E.5 Establishment of Account

The Plan Administrator will establish and maintain a **Limited Scope Health FSA** with respect to each Participant who has elected to participate in the **Limited Scope Health FSA**, but will not create a separate fund or otherwise segregate assets for this purpose. The account established hereto will merely be a record keeping account with the purpose of keeping track of Contributions and determining forfeitures.

- **Crediting of Accounts**. A Participant's **Limited Scope Health FSA** will be credited following each Salary Reduction actually made during each Period of Coverage with an amount equal to the Salary Reduction actually made.

- **Debiting of Accounts**. A Participant's **Limited Scope Health FSA** will be debited during each Period of Coverage for any reimbursement of Dental and Vision Expenses incurred during the Period of Coverage or during a Grace Period as provided below.

- **Available Amount Not Based on Credited Amount**. The amount available for reimbursement of Dental and Vision Expenses is the amount as calculated according to the "Maximum Reimbursement Available" paragraph of this Section above. It is not based on the amount credited to the **Limited Scope Health FSA** at a particular point in time.

E.6 Use It or Lose It Rule; Forfeiture Of Account Balance

- **Use It or Lose It Rule.** Except for expenses incurred during an applicable Grace Period, if any balance remains in the Participant's **Limited Scope Health FSA** for a Period of Coverage after all reimbursements have been made for the Period of Coverage, then such balance shall not be carried over to reimburse the Participant for Dental and Vision Expenses incurred during a subsequent Plan Year. The Participant shall forefeit all rights with respect to such balance. The Grace Period shall begin immediately following the end of the Plan Year and terminate on the 15th day of the third calendar month after the end of the Plan Year. Claims must be submitted on or before April 15th of the year immediately following the close of the plan year in which the expenses were incurred.

- **Use of Forfeitures**. All forfeitures under this Plan shall be used as follows:

  - First, to offset any losses experienced by Employer during the Plan Year as a result of making reimbursements with respect to any Participant in excess of the Contributions paid by such Participant through Salary Reductions;

  - Second, to reduce the cost of administering the **Limited Scope Health FSA** during the Plan Year or the subsequent Plan Year (all such administrative costs shall be documented by the Plan Administrator); and

- To provide increased Benefits or compensation to all Participants in subsequent years in any weighted or uniform fashion that the Plan Administrator deems appropriate, consistent with applicable regulations.

- **Unclaimed Benefits.** Benefit payments that remain unclaimed by the close of the Plan Year following the Period of Coverage in which the Dental and Vision Expense was incurred shall be forfeited and applied as described above.

E.7 Grace Period

- **Special Rules for Claims Incurred During a Grace Period.** The Employer has the discretion to establish a grace period following the end of the Plan Year, as follows:

  - An individual may be reimbursed for Dental and Vision Expenses incurred during a Grace Period from amounts remaining in his or her **Limited Scope Health FSA** Account at the end of the Plan Year to which that Grace Period relates ("Prior Plan Year **Limited Scope Health FSA** Amounts") if the individual is either:

    - A qualified beneficiary as defined under COBRA who has COBRA coverage under the **Limited Scope Health FSA** Benefit Option on the last day of that Plan Year; or

    - A Participant with **Limited Scope Health FSA** coverage that is in effect on the last day of that Plan Year. As a clarification: A participant who terminates coverage before the last day of the Plan Year will not be reimbursed for expenses incurred during the Grace Period associated with that Plan Year. A terminated participant may only be reimbursed for expenses incurred during the participant's period of coverage (Limited Scope Health FSA participants' coverage ceases at the end of the month following the last contribution).

  - Prior Plan Year **Limited Scope Health FSA** Amounts may not be cashed out or converted to any other taxable or non-taxable Benefit Option. For example, Prior Plan Year **Limited Scope Health FSA** Amounts may not be used to reimburse Dependent Care Expenses.

  - Dental and Vision Expenses incurred during a Grace Period and approved for reimbursement will be reimbursed first from any available Prior Plan Year **Limited Scope Health FSA** Amounts and then from any amounts that are available to reimburse expenses that are incurred during the current Plan Year. An individual's Prior Plan Year **Limited Scope Health FSA** Amounts will be debited for any reimbursement of Dental and Vision Expenses incurred during the Grace Period that is made from such Prior Plan Year **Limited Scope Health FSA** Amounts.

  - Claims for reimbursement of Dental and Vision Expenses incurred during a Grace Period must be submitted no later than April 15th following the close of the Plan Year to which the Grace Period relates in order to be reimbursed from Prior Plan Year **Limited Scope Health FSA** Amounts. Any Prior Plan Year **Limited Scope Health FSA** Amounts that remain after all reimbursements have been made for the Plan Year and its related Grace Period shall not be carried over to reimburse the Participant for expenses incurred in any subsequent period. The Participant will forfeit all rights with respect to these amounts, which will be subject to the Plan's provisions regarding forfeitures.

E.8 Reimbursement Procedure

- **Timing**. Within 30 days after receipt by the Plan Administrator of a reimbursement claim from a Participant, the Employer will reimburse the Participant for the Participant's Dental and Vision Expenses, or the Plan Administrator will notify the Participant that a claim has been denied. This time period may be extended for an additional 15 days for matters beyond the control of the Plan Administrator, including in cases where a reimbursement claim is incomplete. The Plan Administrator will provide written notice of any extension, including the reasons for the extension, and will allow the Participant 45 days from receipt of the written notice in which to complete an incomplete reimbursement claim.

- **Claims Substantiation**. A Participant who has elected to receive Limited Scope Dental and Vision Reimbursement Benefits for a Period of Coverage may apply for reimbursement by submitting an application to the Plan Administrator by no later than the date set by the Plan Administrator each year, setting forth:

  - The person or persons on whose behalf Dental and Vision Expenses have been incurred;
  - The nature and date of the expenses incurred;
  - The amount of the requested reimbursement;
  - A statement that such expenses have not otherwise been reimbursed and the Participant will not seek reimbursement through any other source; and
  - Other such details about the expenses that may be requested by the Plan Administrator in the reimbursement request form or otherwise.

  The application shall be accompanied by bills, invoices, or other statements from an independent third party showing that the Dental and Vision Expenses have been incurred and the amounts of such expenses, together with any additional documentation that the Plan Administrator may request.

- **Claims Denied**. For appeal of claims that are denied, see the Appeals Procedure in the Plan Document.

- **Claims Ordering; No Reprocessing.** All claims for reimbursement will be paid in the order in which they are approved. Once paid, a claim will not be reprocessed or otherwise recharacterized solely for the purpose of paying it from amounts attributable to a different Plan Year or Period of Coverage.

E.9 Reimbursements After Termination; Limited COBRA Continuation

The Participant will not be able to receive reimbursements for Dental and Vision Expenses incurred after participation terminates. However, except for expenses incurred during an appropriate Grace Period, such Participant, or the Participant's estate, may claim reimbursement for any Dental and Vision Expenses incurred during the Period of Coverage prior to termination, provided that the Participant, or the Participant's estate, files a claim by the date established in the Reimbursement Procedure

paragraphs above following the close of the Plan Year in which the Dental or Vision Expense was incurred.

Notwithstanding any provision to the contrary in this Plan, to the extent required by COBRA, a Participant and such Participant's Spouse and Dependent(s), whose coverage terminates under the **Limited Scope Health FSA** because of a COBRA qualifying event, shall be given the opportunity to continue the same coverage that the Participant had under the **Limited Scope Health FSA** the day before the qualifying event, subject to all conditions and limitations under COBRA. The Contributions for such continuation coverage will be equal to the cost of providing the same coverage to an active employee taking into account all costs incurred by the Employee and the Employer plus a 2% administration fee. Specifically, an individual will be eligible for COBRA continuation coverage only if the Participant's remaining available amount is greater than the Participant's remaining Contribution payments at the time of the qualifying event, taking into account all claims submitted before the date of the qualifying event. Such individual will be notified if the individual is eligible for COBRA continuation coverage.

If COBRA is elected, COBRA coverage will be subject to the most current COBRA rules. COBRA will be available only for the remainder of the Plan Year in which the qualifying event occurs. Such COBRA coverage for the **Limited Scope Health FSA** will cease at the end of the Plan Year, except for expenses incurred during an appropriate Grace Period, and cannot be continued for the next Plan Year. Coverage may terminate sooner if the Contributions for a Period of Coverage are not received by the due date established by the Plan Administrator for that Period of Coverage. Continuation coverage is only granted after the Plan Administrator has received the Contributions for that period of coverage.

Contributions for coverage for **Limited Scope Health FSA** Benefits may be paid on a pre-tax basis for current Employees receiving taxable compensation, as may be permitted by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from Contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year, where COBRA coverage arises either:

- Because the Employee ceases to be eligible because of a reduction of hours; or
- Because the Employee's Dependent ceases to satisfy the eligibility requirements for coverage.

For all other individuals (for example, Employees who cease to be eligible because of retirement, termination of employment, or layoff), Contributions for COBRA coverage for **Limited Scope Health FSA** Benefits shall be paid on an after-tax basis, unless permitted otherwise by the Plan Administrator, in its discretion and on a uniform and consistent basis, but may not be prepaid from Contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year.

E.10 Qualified Reservist Distribution

If a Participant meets all of the following conditions, the Participant may elect to receive a qualified reservist distribution from the **Limited Scope Health FSA**:

- The Participant's Contributions to the **Limited Scope Health FSA** for the Plan Year as of the date the qualified reservist distribution is requested exceeds the reimbursements the Participant has received from the **Limited Scope Health FSA** for the Plan Year as of that date.

- The Participant is ordered or called to active military duty for a period of at least 180 days or for an indefinite period by reason of being a member of the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service.

- The Participant has provided the Plan Administrator with a copy of the order or call to active duty. An order or call to active duty of less than 180 days' duration must be supplemented by subsequent calls or orders to reach a total of 180 or more days.

- The Participant is ordered or called to active military duty on or after April 1, 2009, or the Participant's period of active duty begins before April 1, 2009 and continues on or after the date.

- During the period beginning on the date of the Participant's order or call to active duty and ending on the last day of the Plan Year during which the order or call occurred, the Participant submits a qualified reservist distribution election form to the Plan Administrator.

Amount of Qualified Reservist Distribution. If the above conditions are met, the Participant will receive a distribution from the **Limited Scope Health FSA** equal to his or her Contributions to the **Limited Scope Health FSA** for the Plan Year as of the date of the distribution request, minus any reimbursements received for the Plan Year as of that date.

No Reimbursement for Expenses Incurred After Distribution Request. Once a Participant requests a qualified reservist distribution, the Participant forfeits the right to receive reimbursements for Dental and Vision Expenses incurred during the period that begins on the date of the distribution request and ends on the last day of the Plan Year. The Participant may, however, continue to submit claims for Dental and Vision Expenses that were incurred before the date of the distribution request (even if the claims are submitted after the date of the qualified reservist distribution), so long as the total dollar amount of the claims does not exceed the amount of the **Limited Scope Health FSA** election for the Plan Year, minus the sum of the qualified reservist distribution and the prior **Limited Scope Health FSA** reimbursements for the Plan Year.

Tax Treatment of a Qualified Reservist Distribution. If the Participant receives a qualified reservist distribution, it will be included in his or her gross income and will be reported as wages on the Participant's Form W-2 for the year in which it is paid.

E.11 Named Fiduciary

The Plan Administrator is the Named Fiduciary for the **Limited Scope Health FSA**.

E.12 Coordination of Benefits

Limited Scope Health FSAs are intended to pay Benefits solely for Dental and Vision Expenses not previously reimbursed or reimbursable elsewhere. Accordingly, the **Limited Scope Health FSA** shall not be considered a group health plan for coordination of benefits purposes, and the **Limited Scope Health FSA** shall not be taken into account when determining benefits payable under any other plan.

*AUTHORITY: section 33.103, RSMo Supp. [2012] **2013**. Original rule filed March 15, 1988, effective June 1, 1988. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Oct. 1, 2014, effective Jan. 1, 2015, expires June 29, 2015. Amended: Filed Oct. 1, 2014.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one hundred twenty-seven thousand one hundred twenty dollars ($127,120) in the aggregate annually.

PRIVATE COST: This proposed amendment will cost private entities approximately nine hundred seventy-six thousand three hundred eighty dollars ($976,380) in the aggregate annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Commissioner of Administration, PO Box 809, Jefferson City, MO, 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: 1—Office of Administration
Division Title: 10—Commissioner's Office
Chapter Title: 15—Cafeteria Plan

Rule Number and Name:	1 CSR 10-15.010 Cafeteria Plan
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
All agencies	Approximately $127,000 per year

III. WORKSHEET

Source of Impact to All Agencies of State Government	Total Dollars Subject to Withholding	Withholding Percentage	Impact in Dollars
Social Security Employer Contribution	$4,128,457	6.20%	$ (255,964)
Medicare Employer Contribution	$4,128,457	1.45%	$ (59,863)
Additional State Income Tax Collected	$4,128,457	6.00%	$ 247,707
Fees No Longer Charged to Voluntary Vendors			$ (59,000)
Net Impact			**$ (127,120)**

***All numbers are approximate, based on past usage of the cafeteria plan**

IV. ASSUMPTIONS

The cafeteria plan allows employees of the state and other participating state entities to set aside a portion of their salary to be used to pay for certain qualifying medical and dependent care expenses as well as premium payments. Under the current plan regulation, all employees of the state are eligible to participate in the plan and includes all state sponsored plans and voluntary vendors that qualify for inclusion per section 125 of IRS regulations. Due to changes in federal law and the additional requirements that would be required of the voluntary plans, this amendment is being made to remove voluntary plans from the premium payment portion of the cafeteria plan. Changes are also being made to the eligibility of employees that can participate in certain portions of the cafeteria plan for the same reasons.

It is estimated that the potential increase in costs to the State of Missouri, as the employer, would result from employees not having premiums taken out of their pay checks pre-tax, and would result in the employer paying FICA taxes of 7.65% on those dollars. The annual estimate for additional taxes is approximately $316,000.

This amount would, however, be offset in part by the amount of additional state taxes collected from affected employees of approximately $248,000.

In addition, the state would forgo fees that are charged to the voluntary vendors for participation in the cafeteria plan. The estimated annual cost of the loss in revenue is approximately $59,000.

FISCAL NOTE
PRIVATE COST

I. Department Title: 1—Office of Administration
Division Title: 10—Commissioner's Office
Chapter Title: 15—Cafeteria Plan

Rule Number and Title:	1 CSR 10-15.010 Cafeteria Plan
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 6,400 state employees who have had the opportunity utilize the cafeteria plan to pay premiums for voluntary products	Individual state employees	Approximately $976,000 per year

III. WORKSHEET

Type of Withholding	Number of Affected Employees	Average Annual Amount No Longer Eligible For CP	Total Dollars Subject to Withholding	Withholding Percentage	Total Additional Withholding
Social Security	6400	$ 645	$4,128,457	6.20%	$ 255,964
Medicare	6400	$ 645	$4,128,457	1.45%	$ 59,863
Federal Income	6400	$ 645	$4,128,457	10.00%	$ 412,846
State Income	6400	$ 645	$4,128,457	6.00%	$ 247,707
Total					**$ 976,380**

***All numbers are approximate, based on past usage of the cafeteria plan**

IV. ASSUMPTIONS

The cafeteria plan allows employees of the state and other participating state entities to set aside a portion of their salary to be used to pay for certain qualifying medical and dependent care expenses as well as premium payments. Under the current plan regulation, all employees of the state are eligible to participate in the plan and it includes all state sponsored plans and voluntary vendors that qualify for inclusion per section 125 of IRS regulations. Due to changes in federal law and the additional requirements that would be required of the voluntary plans, this amendment is being made to remove voluntary plans from the premium payment portion of the cafeteria plan. Changes are also being made to the eligibility of employees who can participate in certain portions of the cafeteria plan for the same reasons.

The estimated potential costs to state employees would result from the employees not having premiums taken out of their pay checks pre-tax, would result in the employees

paying FICA taxes of 7.65% as well as state and federal taxes on those dollars. The annual estimate for additional FICA taxes is approximately $316,000; the annual estimate for additional state and federal taxes is approximately $660,000 resulting in a total cost to state employees of approximately $976,000.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.005 Preemption of All Ordinances and Rules of Political Subdivisions

PURPOSE: Outlines the preemption of existing ordinances, rules, and regulations relating to Missouri cannabidiol oil rules.

(1) Section 261.265 and promulgated rules shall preempt all ordinances, rules, and regulations of political subdivisions relating to the use of subjects covered by said sections.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.010 Definitions

PURPOSE: Defines regulatory terms.

(1) Act—the Missouri Hemp Extract Act.

(2) Adulterated—applies to hemp or hemp extract if—

(A) It is composed of more than three tenths percent (.3%) of tetrahydrocannabinol by weight, is composed of less than five percent (5%) cannabidiol by weight or contains other psychoactive substances;

(B) Any foreign substance has been found in the hemp or hemp extract through laboratory analysis; or

(C) Any valuable constituent of the hemp extract has been wholly or in part abstracted.

(3) Applicant—any non-profit entity requesting a cultivation and production facility license from the Missouri Department of Agriculture.

(4) Batch—a quantity of hemp used in producing hemp extract made in one (1) operation, lot, or continuous or semi-continuous process or cycle and the quantity of hemp extract produced during an interval of time.

(5) Batch number—a unique numeric or alphanumeric identifier assigned to a specific quantity of hemp extract packaged and labeled for distribution that is within recognized tolerances for the factors that were subject to a laboratory test and that appear on the labeling.

(6) Cannabidiol oil care center manager—the individual who has management responsibilities over the cannabidiol oil care center.

(7) Cannabidiol oil care center personnel—all persons employed by a cannabidiol oil care center or who otherwise are present on behalf of the cannabidiol oil care center.

(8) Child resistant safety packaging—

(A) Tamper-proof, child-proof containers designed and constructed to be significantly difficult for children less than five (5) years of age to open; and

(B) Closable for multiple servings.

(9) Cultivation or cultivate—to prepare and improve land for the purpose of growing plants (crops).

(10) Cultivation and production facility—the department approved land and premises on which the licensee is authorized to grow, cultivate, process, produce, and possess hemp and hemp extract.

(11) Cultivation and production facility manager—the individual who has management responsibilities over the licensed cultivation and production facility.

(12) Cultivation and production facility personnel—all persons employed by a licensed cultivation and production facility or who otherwise are present on behalf of the licensed cultivation and production facility.

(13) Cultivation and production facility license—a license issued by the Missouri Department of Agriculture to a qualified applicant for the purpose of operating a hemp cultivation and production facility.

(14) Department—the Missouri Department of Agriculture.

(15) Director—director or duly designated employee of the Missouri Department of Agriculture.

(16) Disqualifying offense—any conviction, plea of guilty, or plea of nolo contendere to a felony; any conviction, plea of guilty, or plea of nolo contendere to a misdemeanor related to controlled substances within the past five (5) years; or current abuse of controlled substances.

(17) Distribution or distribute—to distribute, hold for distribution, sell, offer for sale, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.

(18) Fingerprint-based criminal background check—a fingerprint-based state and federal criminal background check conducted by the Missouri Highway Patrol.

(19) Hemp waste—any adulterated or misbranded hemp or hemp extract or any part of the hemp plant that is not usable in the production of hemp extract as provided by section 261.265, RSMo.

(20) Label—the written, printed, or graphic matter on or attached to hemp or the immediate container of hemp or hemp extract.

(21) Legal age—eighteen (18) years, unless otherwise provided by law.

(22) Licensee or license holder—is the non-profit entity to which a cultivation and production facility license is issued.

(23) Lot number—number assigned to a specific harvest of hemp by variety.

(24) Manufacture or manufacturing—any process by which hemp is converted to hemp extract.

(25) Misbranded—hemp and hemp extract is misbranded if—

(A) Its labeling bears any statement, design, or graphic representation relating to its ingredients or analysis, which is false or misleading;

(B) It is contained in a package, container, or wrapping which does not conform to the packaging requirements in accordance with 2 CSR 70-14.120;

(C) The hemp or hemp extract label(ing) is not affixed to its container in accordance with 2 CSR 70-14.120; or

(D) Its strength or purity falls below the professed certificate of analysis as indicated on its labeling under which it is distributed.

(26) Non-profit entity—any corporation falling within the definition of non-profit corporation set forth in section 215.010(9), RSMo.

(27) Person—includes but is not limited to a natural person, sole proprietorship, partnership, joint venture, limited liability partnership or company, corporation, association, government agency or governmental subdivision, business, or non-profit organization.

(28) Processing and manufacturing facility—site where hemp is processed and manufactured into hemp extract including, but not limited to, the storage of hemp, hemp extract, and hemp waste.

(29) Production or produce—the planting, preparation, cultivation, growing, harvesting, propagation, conversion, processing, or manufacturing of hemp or hemp extract including any packaging or repackaging of hemp extract or labeling or relabeling of hemp, hemp extract, or its container.

(30) Testing facility—a laboratory located in Missouri and approved by the department to provide analysis of hemp and hemp extract for scientific, medical, research, and instruction purposes.

(31) THC—tetrahydrocannabinol.

(32) Unusable hemp or hemp extract—any hemp or hemp extract found to be—

(A) Adulterated;

(B) Misbranded; or

(C) Unusable in the production of hemp extract.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.020 Application for a Cultivation and Production Facility License

PURPOSE: Outlines application document that must be completed and submitted to request a cultivation and production facility license.

(1) A form provided by the department for making application for a cultivation and production facility license can be obtained by visiting the department website or it will be furnished by regular mail upon written request to: Plant Industries Division, Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102.

(2) The department shall accept applications for a cultivation and production facility license for thirty (30) calendar days after the date indicated on the department's website that the department will be accepting applications.

(A) Submissions shall be considered as submitted on the date on which they are postmarked or, if delivered in person during regular business hours, on the date on which the application was delivered.

(B) If any forms, documents, or information required by the act are not submitted with the application, the application shall be returned to the applicant. The applicant shall have ten (10) working days from receipt of the application to resubmit the application in its entirety.

(C) The application period may be extended at the discretion of the director.

(3) Applications shall be either typed or clearly printed in ink.

(4) The applicant must furnish the director with the following:

(A) The non-profit entity's current and previous names, addresses, telephone numbers, and email addresses;

(B) Tax identification number or documentation from the Missouri secretary of state establishing the applicant's status as a non-profit entity;

(C) Names and titles, dates of birth, and Social Security numbers for each of the non-profit entity's officers and board members;

(D) Name and title, date of birth, and Social Security number of the cultivation and production facility manager;

(E) Name and title, date of birth, and Social Security number of the cannabidiol oil care center manager;

(F) Names, physical addresses, mailing addresses, telephone numbers, and email addresses of the cultivation and production facility and cannabidiol oil care center; and

(G) Cultivation and production facility and cannabidiol oil care center physical location information, including:

1. The legal descriptions (section, township, range) of the land on which the proposed cultivation and production facility and cannabidiol oil care center are to be located;

2. GPS coordinates of the point of entry on each parcel of land on which hemp will be grown; and

3. A map of the land area on which the applicant plans to grow hemp. The map shall reflect the boundaries and dimensions of the growing area(s) in acres or square feet.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two hundred fifty dollars ($250) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.020 Application for a Cultivation and Production Facility license**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
10	**Non-profit entities**	**$250 annual average**

III. WORKSHEET

10 Entities x 1 hour x $50 per hour = $500 every two years = $250 annual average

IV. ASSUMPTIONS

It is assumed ten entities will apply for a license during an open application cycle. It is assumed the application cycle will occur on average every two years.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.030 Supporting Forms, Documents, Plans, and Other Information to be Submitted with the Applicant's Application for a Cultivation and Production Facility License

PURPOSE: Outlines supporting information that must be submitted along with application for a cultivation and production facility license.

(1) The applicant must submit to the director—

(A) A signed affidavit, on a form provided by the department, attesting to the applicant's acknowledgement and agreement to—

1. Follow inspection, testing, labeling, record keeping, and production requirements as established in section 261.265, RSMo and any regulations issued thereunder;

2. Pay the costs associated with sampling, labeling, and testing hemp and hemp extract as established in section 261.265, RSMo and any regulations issued thereunder;

3. Submit fingerprints for and pay the associated costs of the Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint-criminal background checks for the non-profit entity's officers, board members, and all employees;

4. Certify that no board member, officer, or any employee has been convicted of any disqualifying offense/conviction;

5. Notify local law enforcement officials that hemp will be grown within their jurisdiction, including the location of the cultivation and production facility;

6. Maintain a practical system to secure the facility from criminal activity. Said plan shall include, but is not limited to, lighting, physical barriers, video surveillance, and alarms;

7. Maintain a waste management plan that complies with the requirements of section 261.265, RSMo; and

8. Maintain a hemp monitoring system as defined in section 261.265, RSMo.

(B) Official copies of the Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint-criminal background checks for the non-profit entity's officers, board members, and all employees.

(C) The non-profit's operating by-laws.

(D) A copy of each license/registration/authorization document verifying current or previous licensure relating to the cultivation and production of hemp and hemp extract in another state or jurisdiction.

(E) A location map of the area surrounding the proposed cultivation and production facility. The map must clearly demonstrate that the proposed facility is not located within two thousand (2,000) feet of the property line of a pre-existing public or private preschool, elementary school, middle (junior high) school, high school, daycare facility, home day care, or an area zoned for residential use.

(F) A document explaining the applicant's ability to fulfill the requirements found in each measure of this section.

1. Proposed facility.

A. Measure 1. The applicant shall provide evidence that the proposed facility is suitable for effective and safe cultivation and production of hemp and hemp extract; sufficient in land, building size, power allocation, ventilation, lighting, and interior layout; sufficient in area for storage, handling, processing, production, and distribution of hemp and hemp extract.

B. Measure 2. The applicant shall provide evidence of the ability to expand the facility's production and distribution to meet qualified patient demand.

2. Proposed staffing plan.

A. Measure 3. The applicant shall provide a statement verifying staff experience with agricultural cultivation techniques and industry standards, including experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business including, the submission of any academic degrees and certifications of all board members, officers, and employees.

B. Measure 4. The applicant shall provide a staffing plan that will ensure adequate experience and staffing for all business hours, safe hemp and hemp extract production, sanitation, security, and theft prevention.

C. Measure 5. The applicant shall provide a plan and an employee handbook which includes a working guide to the understanding of the day-to-day administration of personnel policies and practices.

3. Cultivation and production plan.

A. Measure 6. The applicant shall provide a cultivation and production plan that outlines their facility operations for producing hemp extract in compliance with the act and any regulations issued thereunder.

B. Measure 7. The applicant shall describe its plan to provide a continuous, uninterrupted supply of hemp extract.

C. Measure 8. The applicant shall provide evidence relating to knowledge of cultivation and production methods to be used in the cultivation and production of hemp. The applicant shall list the hemp varieties to be cultivated and its experience with growing those varieties.

D. Measure 9. The applicant shall describe the steps that will be taken to ensure the quality of the hemp, including the purity and consistency of the hemp extract.

4. Product safety and labeling plan.

A. Measure 10. The applicant shall describe its plan for providing safe and accurate packaging and labeling of hemp extract.

B. Measure 11. The applicant shall describe its plan for testing hemp to ensure it is free of contaminates including, but not limited to, pesticides and microbiological organisms.

C. Measure 12. The applicant shall describe its plan for establishing a recall of the applicant's hemp extract in the event that the hemp extract is shown by testing or other means to be potentially defective or have a reasonable probability that its use or exposure to will cause adverse health consequences. The plan must include the method of identification of the packaged hemp extract containers involved, notification to those whom the hemp extract was distributed to, and how the hemp extract will be disposed of if returned to or retrieved by the applicant.

5. Security plan.

A. Measure 13. The applicant shall provide evidence of its ability to prevent the theft or diversion of hemp and hemp extract and how the applicant will assist the department, Missouri Highway Patrol, and local law enforcement.

B. Measure 14. The applicant shall describe its plan for record keeping, tracking, and monitoring production, distribution, inventory, quality control, security, and other policies and procedures in place to discourage unlawful activity.

C. Measure 15. The applicant shall describe a plan for disposition of unusable, adulterated, misbranded, and recalled hemp and hemp extract and the applicant's coordination with department, Missouri Highway Patrol, and local law enforcement for its disposal; and

(G) Any additional documentation the director deems necessary for the application process. The director may require a site inspection of the facility prior to approval.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities twelve thousand five hundred dollars ($12,500) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.030 Supporting forms, documents, plans, and other information to be submitted with the applicant's application for a cultivation and production facility license**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
10	**Non-profit entities**	**$12,500 annual average**

III. WORKSHEET

10 Entities x 40 hours draft time x $50 per hour = $20,000 every two years = $10,000 annual average.
10 Entities x 10 board members/managers/employees x $50 per background = $5,000 every two years = $2,500 annual average.
Total = $12,500 annual average

IV. ASSUMPTIONS

It is assumed that ten entities will apply for a license during an open application cycle, each entity will require ten background checks and application cycles will occur on average every two years.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.040 Application—Selection Criteria

PURPOSE: Outlines the process by which the department will award a cultivation and production facility license.

(1) The department will award up to ten (10) points to each measure found in 2 CSR 70-14.030(1)(F). The highest total scores will be awarded licensure.

(A) In the event that the highest ranked applicants for a cultivation and production facility license receive the same total score, the department will select the applicant that received the highest score in the cultivation and production plan category.

(B) If a tie score still remains, the department will select the applicant(s) that received the highest scores in the security plan category.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost the Missouri Department of Agriculture five hundred fifty dollars ($550) annually.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	**2 CSR 70-14.040 Application - Selection Criteria**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Agriculture	$550.00 annual average

III. WORKSHEET

10 applications x 4 hours per application x $27.50 = $550.00

IV. ASSUMPTIONS

It was assumed the Department of Agriculture would receive 10 applications to review, that each review would take 4 hours, and the average hourly cost would be $27.50. It is assumed the application cycle would occur on average every two years.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.050 Retention of the Application and Supporting Forms, Documents, Plans and Other Information Submitted by the Applicant

PURPOSE: Establishes the length of time the department will maintain on file the application for license and all supporting information.

(1) The director shall keep all documents filed in support of an application until such time as the documents are replaced, except that—

(A) If a cultivation and production facility license is not issued within one (1) year, all documents pertaining to that application may be destroyed; or

(B) If a cultivation and production license expires for more than one (1) year, all documents pertaining to that license may be destroyed.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.060 Rejection of Cultivation and Production Facility Application Request for Licensure and the Revocation or Suspension of a License

PURPOSE: Outlines reasons for rejection of application and for revocation or suspension of license.

(1) An application for a cultivation and production facility license shall be rejected if any of the following conditions are met:

(A) The applicant fails to submit the application materials required by 2 CSR 70-14.020 and 2 CSR 70-14.030;

(B) The submitted application contains false or misleading information;

(C) The submitted application is incomplete;

(D) The applicant's facility is not in compliance with local zoning rules;

(E) The applicant ceased cultivation and production of hemp and hemp extract for reasons other than weather related crop failures;

(F) One (1) or more of the non-profit entity's board members, officers, managers, or employees has been convicted of a disqualifying offense; and

(G) One (1) or more of the non-profit entity's board members, officers, or managers has served as a board member, officer, or manager for a licensed cultivation and production facility that has had its license revoked or suspended.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.070 Cultivation and Production Facility License Expiration

PURPOSE: Establishes the license expiration.

(1) A cultivation and production facility license shall be valid for five (5) years. The license shall expire in the fifth year, on the last day of the month which the license was issued.

(2) If there are changes in the licensing information previously submitted for licensure, the license holder shall complete an application for a license and submit the required information for license approval within ten (10) working days.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.080 License not Transferable and Request to Modify or Alter License

PURPOSE: Prevents the unapproved transfer of licenses and identifies the process for modifying or altering a license.

(1) A cultivation and production facility license is not transferable. A cultivation and production facility license is valid provided the licensee notifies the director in writing within ten (10) days of any change of the entity's name, address, or any other information related to the requirements found under 2 CSR 70-14.020 and 2 CSR 70-14.030.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.090 Cultivation and Production Facility License Stipulations and Requirements

PURPOSE: Establishes license stipulations and requirements.

(1) A licensed cultivation and production facility shall have only one (1) processing and manufacturing facility at the location(s) authorized under the license.

(2) Land or premises specified in the application process for a cultivation and production facility license shall not be located within two thousand feet (2,000') of the property line of a pre-existing public or private preschool, elementary school, middle (junior high) school, high school, daycare facility, home day care, or an area zoned for residential use.

(3) Upon the department's approval and licensure, the cultivation and production facility must notify local law enforcement agencies of their hemp cultivation and production plans, construction, and operations.

(4) The licensee is responsible for actions of its board members, officers, managers, and employees, which violate the act or any regulations issued thereunder.

(5) If a licensed facility ceases cultivation and production of hemp and hemp extract, the issued license shall be surrendered to the department within thirty (30) days of ceasing operations.

(6) If in the judgment of the director the facility has ceased production and is not expected to resume, the issued license shall be surrendered to the department within thirty (30) days.

(7) A license may be suspended or revoked in the event the facility no longer meets the conditions and requirements of the license.

(8) Any grower whose license is surrendered, revoked, or not renewed shall dispose of its entire inventory of hemp and hemp extract under the requirements of 2 CSR 70-14.140.

(9) The licensee shall notify the department within ten (10) working days of any of the following:

(A) Any board member, officer, or employee's conviction of violations of state or federal controlled substance laws; and

(B) The termination, resignation, appointment, or hiring of any board member, officer, cultivation and production facility manager, cannabidiol oil care center manager, or other employee, including unpaid volunteers.

1. The following information shall be provided to the department for each new hire, volunteer, or appointee:

A. Individual's complete name, including any nicknames or aliases used;

B. Date of birth;

C. Social Security number; and

D. Results of the Missouri Highway Patrol fingerprint-based state and federal criminal background check through the Missouri Automated Criminal History Site (MACHS).

(10) The licensee, employees, and volunteers shall not—

(A) Violate local zoning rules;

(B) Employ anyone younger than eighteen (18) years;

(C) Make any false, misleading, or fraudulent statement or claim on any application, form or supporting documentation submitted to the director concerning licensing pursuant to section 261.265, RSMo or any regulations issued thereunder;

(D) Make any false or misleading statement specifying or inferring that a person, hemp or hemp extract are recommended by any branch of the state or federal government for the treatment of intractable epilepsy;

(E) Grow, cultivate, process and possess hemp or hemp extract in any place except in those areas designated by the license;

(F) Distribute any hemp or hemp extract from any place except its licensed cultivation and production facility and cannabidiol oil care center(s) located in Missouri;

(G) Distribute to any person any hemp, hemp extract, or hemp waste which is adulterated and/or misbranded;

(H) Distribute hemp extract to any individual unless the individual is a Missouri resident and holds a valid hemp extract registration card issued by the Missouri Department of Health and Senior Services;

(I) Produce, manufacture, or distribute any hemp or hemp extract for export and use outside of Missouri;

(J) Distribute any hemp or hemp extract to any person except to its cannabidiol oil care center(s), to a laboratory approved by the department, and to institutions of higher learning for research purposes;

(K) Accept and distribute any returned hemp extract unless it is as a result of a department approved recall;

(L) Allow any person except for a registrant with a valid hemp extract registration card to open or break the seal placed on a packaged and labeled container of hemp extract;

(M) Allow any products, materials, or items to be sold at the cannabidiol oil care center except for hemp extract and other items which would normally aide in administering hemp extract;

(N) Allow any examination of a patient to be conducted at the licensed facility for purposes of diagnosing intractable epilepsy;

(O) Allow any physician who serves as a board member or officer of the non-profit entity or as an employee of the cultivation and production facility or cannabidiol oil care center(s) to determine intractable epilepsy for the purpose of the act or any regulation issued thereunder;

(P) Take from the licensed facility or cannabidiol oil care center or possess any hemp, hemp extract, hemp waste unless the individual's possession is for operational purposes in accordance with Missouri law;

(Q) Use any pesticide in the cultivation and production of hemp unless the pesticide is registered by the U.S. Environmental Protection Agency and the Missouri Department of Agriculture and labeled for use on hemp with specific directions for use and tolerances established by the U.S. Environmental Protection Agency;

(R) Make any false or misleading statements during the course of an inspection or investigation into the cultivation, production, or distribution of hemp, hemp extract, or hemp waste;

(S) Violate a stop sale, use, or removal order issued by the director; or

(T) Violate any provision of sections 261.265, RSMo or any regulation issued thereunder.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one thousand dollars ($1,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.090 Cultivation and Production Facility License stipulations and requirements**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$1,000 annually**

III. WORKSHEET

2 Entities x 5 employment changes per year x $100 (staff time and background check expense) = $1,000

IV. ASSUMPTIONS

It is assumed five employment changes will occur annually for each licensed entity.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.100 Requirements for Production, Manufacture, Storage, Transportation, and Testing of Hemp and Hemp Extract

PURPOSE: Establishes grower responsibility to maintain and adhere to written policies relating to production, manufacture, storage, transportation, and testing of hemp and hemp extract.

(1) The licensee shall establish, maintain, and adhere to written policies and procedures for the cultivation, production, manufacture, security, storage, inventory, distribution/transportation, and testing of hemp and hemp extract. Such policies and procedures shall include, but are not limited to, the following processes:

(A) Handling mandatory and voluntary recalls of hemp and hemp extract due to any action initiated by the director or any voluntary action initiated by the licensee, including the removal of adulterated and/or misbranded hemp or hemp extract from possible distribution and from registrants who have recalled hemp extract in their possession;

(B) Preparing for, protecting against, and handling any crisis that affects the operations of the cultivation and production facility or cannabidiol oil care center(s) in the event of strike, fire, flood, natural disaster, or other situations of local, state, or national emergency;

(C) Ensuring that any outdated, adulterated, damaged, deteriorated, misbranded, and/or unusable hemp or hemp extract is segregated from other hemp and hemp extract and disposed of in accordance with 2 CSR 70-14.140. This policy/procedure shall outline requirements for written documentation/record of the hemp and hemp extract disposition;

(D) Ensuring the oldest hemp is used first in the processing and manufacture of hemp extract;

(E) Ensuring all hemp and hemp extract in the process of manufacture, distribution, or analysis shall be stored in such a manner as to prevent diversion, theft, or loss and shall be accessible only to the minimum number of authorized personnel essential for efficient operation;

(F) Ensuring all hemp and hemp extract shall be returned to a secure location immediately after the completion of the process or at the end of the scheduled work day. If a process cannot be completed by the end of a working day, the processing equipment containing hemp or hemp extract shall be securely locked inside an area that affords adequate security;

(G) Ensuring no person, except production facility personnel, personnel from the Departments of Agriculture and Health and Senior Services, and law enforcement officials shall be allowed on the premises of a cultivation and production facility; and

(H) Ensuring all hemp extract complies with the provisions of section 195.207, RSMo and section 261.265, RSMo and any regulations issued thereunder, through the implementation of a sampling protocol, sample chain of custody procedure, and sample analysis for the percentage of tetrahydrocannabinol (THC) and detection of pesticides for each batch of hemp extract.

(2) Storage.

(A) Licensed cultivation and production facility and cannabidiol oil care centers shall—

1. Not produce or maintain hemp in excess of the quantity required for normal, efficient operation;

2. Have storage areas that provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security for the production and manufacture of hemp or hemp extract;

3. Maintain a separate secure area for hemp and hemp extract that is outdated, adulterated, damaged, deteriorated, misbranded, unusable, or whose sealed containers or packaging have been broken or opened, until such material is disposed;

4. Keep all safes, vaults, or any other equipment or areas used for cultivation, production, harvesting, processing, manufacturing, or storage of hemp and hemp extract, securely locked and protected from entry by unauthorized individuals;

5. Store all hemp extract in an approved safe or approved vault and in such a manner as to prevent diversion, theft, or loss;

6. Store all hemp in a secure area, room, or location within the facility accessible only to authorized facility personnel, the director or designated representative, or law enforcement;

7. Have a sign posted at all entries to storage areas of the facility containing hemp or hemp extract stating: "Do Not Enter – Access Limited to Authorized Personnel Only";

8. Be maintained in a clean and orderly manner;

9. Be free from infestation of pests, including insects, rodents, birds, vertebrates, and mold; and

10. Ensure all areas of the cultivation and production facility and cannabidiol oil care centers are compartmentalized based on function and that access shall be restricted between compartments.

(3) Inventory.

(A) Prior to commencing operations each cultivation and production facility and cannabidiol oil care center shall—

1. Establish ongoing inventory controls and procedures for conducting inventory reviews of hemp and hemp extract for the purpose of detecting any diversion, theft, or loss in a timely manner; and

2. Conduct a weekly inventory of hemp and hemp extract in stock, which shall be recorded and maintained in the hemp monitoring system and include, at a minimum:

A. Date of inventory;

B. Total amount of hemp by variety and lot number and hemp extract by batch number;

C. Total amount of hemp and hemp extract deemed unusable or placed under a department stop sale, use, or removal order being held in quarantine for proper disposal; and

D. Name, signature, and title of the employees conducting the inventory.

(4) Transportation and delivery of hemp, hemp extract, and/or hemp waste by cultivation and production facility personnel.

(A) Each transport vehicle shall be staffed with a delivery team consisting of a minimum of two (2) employees.

(B) At least one (1) delivery team member shall remain with the vehicle at all times while the vehicle contains hemp, hemp extract, and/or hemp waste.

(C) Each delivery team member shall have access to a secure form of communication for the purpose of contacting cultivation and production facility personnel and/or law enforcement, while the vehicle contains hemp, hemp extract, and/or hemp waste.

(D) Each delivery team member shall possess an identification card issued by the grower when transporting, delivering, or distributing hemp, hemp extract, and/or hemp waste. Identification cards shall be presented to the director or law enforcement officials upon request.

(E) Each transport vehicle shall carry a manifest. The manifest shall include the following information and shall be maintained for three (3) years:

1. Names of delivery team employees;

2. Licensed non-profit entity's name;

3. Total quantity of hemp, hemp extract, and/or hemp waste and lot or batch numbers being transported for delivery;

4. Name and address of each recipient;

5. Date of delivery or distribution;

6. Total quantity delivered to the recipient;

7. Name, title, and signature of person taking possession of hemp, hemp extract, and hemp waste; and

8. A signed chain of custody documenting the delivery of hemp, hemp extract, and hemp waste.

(5) Testing.

(A) The cultivation and production facility shall—

1. Create and follow an approved protocol for sampling hemp and hemp extract;

2. Develop and implement a chain of custody procedure for all samples;

A. Samples of hemp and hemp extract, including duplicate samples shall be transported/delivered to a department approved laboratory in a container that is secured in an outer package that is sealed with an affixed label identifying the batch number;

3. Direct the approved laboratory to analyze all hemp extract samples for—

A. The percentage of tetrahydrocannabinol (THC);

B. The percentage of cannabidiol by weight;

C. Other psychoactive substances; and

D. All pesticides recorded under the requirements of 2 CSR 70-14.150;

4. Maintain all reports of analysis for all samples of hemp and hemp extract in the hemp monitoring system; and

5. Notify the department within ten (10) working days of receipt of any results of analysis showing noncompliance with section 195.207, RSMo or section 261.265, RSMo or any regulations issued thereunder;

A. Any positive result of analysis showing noncompliance with section 195.207, RSMo section 261.265, RSMo or any regulations issued thereunder, makes the tested hemp and hemp extract unusable and must be destroyed in accordance with the requirements of 2 CSR 70-14.140.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred twenty-four thousand dollars ($124,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.100 Requirements for production, manufacture, storage, transportation, and testing of hemp and hemp extract**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$124,000 annually**

III. WORKSHEET

2 Entities x 20 samples annually x 500 per sample = $20,000
2 Entities x an estimated $52,000 per entity to create and follow specific handling, storage, inventory, transportation and testing requirements of this section = $104,000 Total = $124,000

IV. ASSUMPTIONS

It is assumed each entity will require 20 samples annually and that each sample will cost $500.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.110 Hemp Monitoring System Records to be Maintained for Manufacture, Storage, Testing, and Distribution of Hemp and Hemp Extract

PURPOSE: Establishes the requirement to maintain records pertaining to the manufacture, storage, testing, and distribution of hemp and hemp extract.

(1) All records and hemp monitoring system data shall be kept and maintained for a period of three (3) years.

(2) All records and hemp monitoring system data shall be available for inspection and auditing at a reasonable time during regular business hours, or upon request in writing, the director shall be furnished a copy of these records and/or data within ten (10) working days of receipt of request.

(3) Licensed cultivation and production facilities must keep and maintain hemp monitoring system data relating to production, manufacture, storage, testing, and distribution of hemp and hemp extract.

(A) Hemp cultivation and production records shall include:

1. Hemp variety planted and planting date(s);
2. Crop inputs (fertilizers, soil conditioners/amendments, and pesticides) used, dates of use, and name of user;
   A. Trade name of products used;
   B. Amount of each product used; and
   C. EPA Registration Number of pesticide labeled for use on hemp;
3. Target pest(s);
4. Integrated pest management practices used in controlling pest(s);
5. Date of harvest;
6. Lot number assigned and amount of harvested hemp;
7. Total time hemp was held in storage prior to its use in manufacturing hemp extract; and
8. Percent of tetrahydrocannabinol (THC) per lot number as reported in the laboratory results of analysis for each hemp sample analyzed.

(B) Hemp extract processing and manufacturing records shall include:

1. Date of manufacture/processing;
2. Hemp variety, lot number, and amount of hemp used for each batch of hemp extract manufactured;
3. Batch number;
4. Type and name of any solvent or other compounds utilized in the manufacture of hemp extract;
5. Amount hemp extract processed or manufactured per batch;
6. Date, batch number, and amount of hemp extract packaged and labeled; and
7. Detected pesticide active ingredients per batch number as reported in the laboratory results of analysis for all hemp extract samples analyzed.

(C) Hemp extract distribution records shall include:

1. Quantity and batch number(s);
2. Date of distribution; and
3. Name and address of each recipient.

(4) For each individual distribution of hemp extract, cannabidiol oil care center records of distribution shall include:

(A) Name and address of registrant;

(B) Name of minor child under registrant's care;

(C) Registrant's hemp extract registration card number and date of expiration;

(D) Distribution date; and

(E) Batch number and amount of packaged and labeled hemp extract distributed to the registrant.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities ten thousand dollars ($10,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.110 Hemp monitoring system records to be maintained for manufacture, storage, testing, and distribution of hemp and hemp extract**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$10,000 annually**

III. WORKSHEET

2 Entities x 100 hours per year staff time to record required information x $50 per hour = $10,000

IV. ASSUMPTIONS

It is assumed that the section-specific recordkeeping will require 100 hours per entity, per year.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.120 Packaging and Labeling of Hemp and Hemp Extract

PURPOSE: Establishes the requirements for packaging and labeling of hemp and hemp extract.

(1) Immediately following harvest, all harvested hemp shall be labeled with the following:
(A) Name of hemp variety;
(B) Date harvested;
(C) Net weight or measure of the net content; and
(D) Assigned lot number.

(2) All hemp extract shall be packaged—
(A) In a sealed "child-resistant safety package";
(B) In a container that is resealable if used for multiple servings; and
(C) In a container that is not designed in any way which makes it attractive to minors.

(3) All hemp extract must be labeled with—
(A) Place of origin;
(B) A number that corresponds with a certificate of analysis;
(C) Assigned batch number;
(D) Hemp extract's ingredients including its percentages of tetrahydrocannabinol and cannabidiol by weight;
(E) Medicating instructions;
(F) A statement, "Keep out of reach of children" in bold capital letters; and
(G) Net weight or measure of the container's net content.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities ten thousand dollars ($10,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.120 Packaging and labeling of hemp and hemp extract**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$10,000 annually**

III. WORKSHEET

2 Entities x $1 x 5,000 = $5,000

IV. ASSUMPTIONS

It is assumed that each entity will annually produce 5,000 units and that child-resistant packaging and specific additional label statements will cost $1 per unit.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.130 Cultivation and Production Facility and Cannabidiol Oil Care Center Security Measures, Reportable Events, and Records to be Maintained

PURPOSE: Identifies the requirements for security measures, reportable events, and records to be maintained.

(1) Cultivation and production facilities and cannabidiol oil care centers shall have an adequate alarm and video surveillance security systems, each designed to operate during power outages to prevent and detect diversion, theft, or loss of hemp or hemp extract which shall at a minimum, include:

(A) Alarm system—

1. A perimeter alarm with motion detector providing coverage of all facility entrances and exits, rooms with exterior windows, rooms with exterior walls, roof hatches, skylights, and storage rooms containing safes or vaults; and

2. All alarm systems shall be inspected annually by the alarm vendor; and

(B) Video surveillance. Video cameras shall be used twenty-four (24) hours a day.

1. Video cameras shall record all areas that may contain hemp and hemp extract and at all points of entry and exit and shall be angled so as to capture a clear and certain identification of any person.

2. Video cameras must be directed at all safes, vaults, distribution areas, retail sale and distribution areas, and any other area where hemp or hemp extract is being cultivated, produced, manufactured, stored, or handled.

3. The date and time must be embedded on all surveillance recordings without obscuring the picture.

4. All video camera recordings shall be available for immediate viewing by the director or designated representative or law enforcement upon request.

5. Video recordings shall be retained for a minimum of thirty (30) days.

6. The video surveillance system shall be inspected annually by the video vendor.

(2) Reportable events.

(A) The cultivation and production facility and cannabidiol oil care centers shall—

1. Notify the appropriate local law enforcement official and the director within twenty-four (24) hours of discovering any alarm activation, inventory discrepancies, diversion, theft, or loss of any hemp or hemp extract, or of any loss or unauthorized alteration of records related to hemp, hemp extract, and/or registrants. Notification shall include the submission of a signed statement which details location and contact information, circumstances of the event, an accurate inventory of the quantity, variety, and lot numbers of hemp or quantity and batch numbers of hemp extract involved; and

2. Notify the director or designated representative of any failure of the security alarm system or surveillance system due to a loss of electrical support or mechanical malfunction that is expected to last longer than eight (8) hours and any corrective measures taken.

(3) Records.

(A) The cultivation and production facility and cannabidiol oil care center must maintain records for three (3) years of—

1. The annual inspections of the alarm and video surveillance systems; and

2. Any occurrence that is reportable under this section.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred fifty thousand dollars ($150,000) in one- (1-) time costs and twenty thousand dollars ($20,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.130 Cultivation and production facility and cannabidiol oil care center security measures, reportable events, and records to be maintained**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$150,000 one-time cost**
2	**Non-profit entities**	**$20,000 annual**

III. WORKSHEET

2 Entities x $75,000 estimated one-time expense for alarm and video system
2 Entities x $10,000 estimated annual system maintenance

IV. ASSUMPTIONS

It is assumed that alarm and video systems will not require repeated purchase.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.140 Waste Disposal of Unusable Hemp and Hemp Extract

PURPOSE: Establishes the requirements for storage of all hemp waste and hemp extract waste, the disposal of waste, and the records to maintain.

(1) All hemp waste and hemp extract waste must be stored in secured, locked rooms or buildings and managed in accordance with this rule and 2 CSR 70-14.130.

(2) Each cultivation and production facility and cannabidiol oil care center must submit to the department a plan for the disposal of all hemp waste and/or hemp extract waste. Allowable disposal methods are—

(A) Destruction;
(B) Recycling; and/or
(C) Donation to an institution of higher education for research.

(3) Plans shall detail the destruction location, type and procedures of destruction used, recycling methods or procedures, and procedures for donation to an institution of higher education for research purposes and a description of the proposed research.

(4) Records maintained in the hemp monitoring system shall include:

(A) Date of disposal;
(B) Disposal method and procedures followed;
(C) Disposal location;
(D) Name and title of employee responsible for disposal;
(E) Quantity, variety, and lot number of hemp disposed of;
(F) Quantity and batch number of hemp extract disposed of;
(G) Reason for disposal;
(H) If donated for research—
1. Recipient's name and location;
2. Name of custodian/researcher; and
3. Quantity, variety, lot number, and batch number

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities eight hundred dollars ($800) in one- (1-) time costs and five thousand two hundred dollars ($5,200) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.140 Waste disposal of unusable hemp and hemp extract**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$800 one-time cost**
2	**Non-profit entities**	**$5,200 annually**

III. WORKSHEET

2 Entities x 8 hours draft time x $50 per hour = $800
2 Entities x 1 hour per week for disposal x 52 weeks x $50 per hour = $5,200
Total = $6,000

IV. ASSUMPTIONS

It is assumed that disposal processes will require one hour per week on average.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.150 Pesticide Record Keeping Requirements

PURPOSE: Establishes the requirement of records to be maintained for known pesticides used within a one- (1-) mile radius of the cultivation and production facility.

(1) The cultivation and production facility shall compile a list of all known pesticides by complete pesticide trade name and EPA Registration Number from all possible sources of pesticide applications within a one- (1-) mile radius of the cultivation and production facility. Such sources include, but are not limited to:

(A) Agricultural row crop applications made by producers and certified commercial pesticide applicators hired by the row crop producer;

(B) Non-agriculture (outdoor) pesticide applications, made by—

1. Homeowners and businesses;
2. Golf courses;
3. Certified commercial lawn care applicators;
4. Certified right-of-way (highway, railroad, power line and substation, pipe line, drainage districts etc.) applicators; and
5. Mosquito abatement control applicators; and

(C) Any pesticide applied preplant (including burndown applications), preemergent, or postemergent to the hemp crop or land on which it is grown, whether or not registered for use on hemp or exempted from registration under the Federal Insecticide, Fungicide, and Rodenticide Act and the Missouri Pesticide Registration Act.

(2) The grower shall record and maintain this information in the hemp monitoring system for a period of one (1) year after the sample analysis has been completed.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one thousand six hundred dollars ($1,600) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.150 Pesticide Record Keeping Requirements**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$1,600 annually**

III. WORKSHEET

2 Entities x 16 hours staff time per year x $50 = $1,600

IV. ASSUMPTIONS

It is assumed that the required annual communication and recordkeeping will be accomplished in 16 hours.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.160 Inspection of Premises and Facility of License Holder, Samples Collected for Analysis, Issuance of Search Warrant, and Powers of Director During Investigation or Hearing, When the Director May Report Violations to Prosecuting Attorney for Action

PURPOSE: Establishes the requirement of inspections, samples to be collected for analysis, issuance of search warrant, powers of the director during investigation or hearing, and reporting of violations to the prosecuting attorney.

(1) For the purposes of enforcing the provisions of sections 195.207, RSMo and 261.265, RSMo, and 2 CSR 70-14.005–2 CSR 70-14.190, the director may enter any premises at reasonable times where hemp and/or hemp extract is produced and/or distributed, in order to inspect, investigate, observe, sample, audit, detain, seize, or embargo.

(A) Before undertaking such inspection, the director shall present the license holder or person in charge of the premises or facility, appropriate credentials and a notice of inspection detailing the reason for the inspection.

(B) If any samples are collected, prior to leaving the premises or facility, the director shall give the license holder or person in charge a receipt describing the samples obtained.

1. A representative composite sample(s) of hemp shall be collected and delivered to an approved laboratory for analysis of the concentration level of tetrahydrocannabinol (THC).

A. The licensed cultivation and production facility will be responsible for paying the costs of laboratory analysis for each representative composite hemp sample analyzed.

B. If the results of analysis report indicates greater than three-tenths of one percent (0.3%) THC by dry weight basis or the percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq., a duplicate sample will be analyzed at the expense of the licensed cultivation and production facility.

C. If the results of analysis report for the duplicate sample indicates greater than three-tenths of one percent (0.3%) THC by dry weight basis or the percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq., the cultivation and production facility license holder may request an additional analysis on a triplicate sample to be conducted by a different independent third-party laboratory approved by the director.

D. If the results of a majority of all analysis reports indicate greater than three-tenths of one percent (0.3%) THC by dry weight basis or the percent based on a dry weight basis determined by the federal Controlled Substances Act under 21 U.S.C. Section 801 et seq., the hemp crop identified by lot number will be deemed as unusable and considered as hemp waste and placed under a stop sale, use or removal order issued by the director.

(I) The cultivation and production facility must handle the hemp waste in accordance with 2 CSR 70-14.140.

2. Representative sample(s) of hemp extract may be collected and delivered to an approved laboratory for analysis for the detection of pesticide active ingredients.

A. The licensed cultivation and production facility or cannabidiol oil care center will be responsible for paying the costs of laboratory analysis for each representative sample(s) of hemp extract analyzed.

B. If the results of analysis report indicates a positive detection of any pesticide active ingredient, a duplicate sample from the same batch will be analyzed at the expense of the cultivation and production facility.

C. If the results of analysis report for the duplicate sample indicates a positive detection of any pesticide active ingredient, the hemp extract will be deemed as unusable and considered as hemp extract waste and placed under a stop sale, use, or removal order issued by the director.

(I) The cultivation and production facility must handle the hemp waste in accordance with 2 CSR 70-14.140.

(2) If the director is denied access to any land or building located on the premises of the facility where such access was sought for the purposes set forth in this rule, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to that land, premises, or facility for the purposes identified in this rule. The court may issue a search warrant for the purposes requested upon probable cause being shown.

(3) The director may in the conduct of any investigation or hearing authorized or held by him/her—

(A) Examine, or cause to be examined, under oath, any person;

(B) Examine, or cause to be examined, the hemp monitoring system data or records required to be kept and maintained in accordance with the act or any regulation issued thereunder;

(C) Hear such testimony and take such evidence as will assist him/her in the discharge of his/her duties under the act; and

(D) Administer or cause to be administered oath.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost the Missouri Department of Agriculture seventy-eight thousand three hundred eighteen dollars and fifty cents ($78,318.50) annually.

PRIVATE COST: This proposed rule will cost private entities twenty-two thousand four hundred dollars ($22,400) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	**2 CSR 70-14.160 Inspection of premises and facility of license holder, samples collected for analysis, issuance of search warrant, and powers of director during investigation or hearing, when the director may report violations to prosecuting attorney for action**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Agriculture	$78,318.50 annually

III. WORKSHEET

Program Coordinator - .75 x $45,154=$33,865.50
Senior Office Support Assistant - .50 x $28,906=$14,453
Expenses & Equipment - $15,000
Lab and Travel - $15,000

IV. ASSUMPTIONS

It is assumed that: 75% of the Program Coordinator's time (.75 x $45,154 = $33,865.50) will go towards inspectional requirements of this section; 50% of the Senior Office Support Assistant's time (.50 x $28,906 = $14,453) will go to efforts required in 2 CSR 70-14.160; all Expense & Equipment funding ($15,000) and all laboratory and travel funding ($15,000) will go towards requirements of 2 CSR 70-14.160.

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.160 Inspection of premises and facility of license holder, samples collected for analysis, issuance of search warrant, and powers of director during investigation or hearing, when the director may report violations to prosecuting attorney for action**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$22,400 annually**

III. WORKSHEET

2 Entities x 6 inspections per year x 4 hours per inspection x $50 - $2,400
2 Entities x 20 samples per year x $500 per sample = $20,000
Total = $22,400

IV. ASSUMPTIONS

It is assumed that there will be 6 inspections and 20 samples per entity per year.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.170 Stop Sale, Use, or Removal Orders

PURPOSE: Identifies the stop sale, use, or removal order and when it will be issued.

(1) When the director or his/her designated representative (authorized agent) has probable cause to believe hemp or hemp extract is being distributed, produced, or manufactured in violation of any of the provisions of sections 195.207 or 261.265, RSMo or any regulations issued thereunder, he/she may issue and serve a written "stop sale, use, or removal order" upon the license holder or custodian. The hemp, hemp extract, or hemp waste shall not be distributed or sold, used or removed from the facility premises until the provisions of sections 195.207 or 261.265, RSMo or regulations issued thereunder, have been complied with and the hemp, hemp extract, or hemp waste has been released in writing by the director. Compliance with provisions of sections 195.207 or 261.265, RSMo or regulations issued thereunder must be achieved within ninety (90) days of the issuance of the "stop sale, use, or removal order."

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities fourteen thousand dollars ($14,000) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.170. Stop sale, use, or removal orders**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$14,000 annually**

III. WORKSHEET

2 Entities x 2 remanufacturing processes per year x $1,000 = $4,000
2 Entities x 10 retest samples per year x $500 per sample = $10,000
Total = $14,000

IV. ASSUMPTIONS

It is assumed that each facility will annually require two remanufacturing processes that will generate ten retest samples.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.180 Revocation, Suspension, or Modification of a Cultivation and Production Facility License

PURPOSE: Gives the director the authority after inquiry and opportunity for hearing the ability to revoke, suspend, or modify a cultivation and production facility license.

(1) The director, after inquiry, and after opportunity for a hearing, may revoke, suspend, or modify a cultivation and production facility license issued under the act, if he/she finds the holder of the license or any board member, officer, manager, or employee has violated any provision of the act or any regulation issued thereunder, or has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or the United States, for any offense reasonably related to the qualifications, functions, or duties of the licensee regulated under this act, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost the Missouri Department of Agriculture one thousand dollars ($1,000) annually.

PRIVATE COST: This proposed rule will cost private entities one thousand five hundred dollars ($1,500) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	**2 CSR 70-14.180. Revocation, suspension, or modification of a cultivation and production facility license**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Agriculture	$1,000.00 annual average

III. WORKSHEET

Hearing Officer - $3,000 estimate
Court Reporter - $1,000 estimate
MDA Staff Time - $1,000 estimate
Total = $5,000 every five years = $1,000 annual average

IV. ASSUMPTIONS

It is assumed that the Director will average one license action every five years.

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.180. Revocation, suspension, or modification of a cultivation and production facility license**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$1,500 annual average**

III. WORKSHEET

One license action every 5 years x an estimated $7,500 per action = $1,500 average per year.

IV. ASSUMPTIONS

It is assumed that the director will average one license action every five years.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 14—Missouri Cannabidiol Oil Rules

PROPOSED RULE

2 CSR 70-14.190 Penalty for Violations of the Act or Any Regulation Issued Thereunder

PURPOSE: Establishes penalties for violating the act.

(1) If the director determines, after inquiry and opportunity for a hearing, that any individual is in violation of any provision of section 192.945, 195.207, or 261.265, RSMo or any regulations issued thereunder, the director shall have the authority to assess a civil penalty not to exceed two thousand five hundred dollars ($2,500), issue a letter of enforcement action, or refer the violation to the Missouri attorney general's office for prosecution.

(A) In the event that a person penalized under this section fails to pay the penalty, the director may apply to the circuit court of Cole County for, and the court is authorized to enter, an order enforcing the assessed penalty.

AUTHORITY: section 261.265, RSMo Supp. 2014. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost the Missouri Department of Agriculture one hundred dollars ($100) annually.

PRIVATE COST: This proposed rule will cost private entities two hundred fifty dollars ($250) annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	**2 CSR 70-14.190. Penalty for violations of the Act or any regulation issued thereunder**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Agriculture	$100.00 annual average

III. WORKSHEET

Missouri Department of Agriculture staff time = $1,000 estimate per civil penalty occurring one every 10 years.

IV. ASSUMPTIONS

It is assumed that the Director will average one civil penalty under this section every ten years.

FISCAL NOTE
PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	**2 CSR 70-14.190. Penalty for violations of the Act or any regulation issued thereunder**
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	**Non-profit entities**	**$250 annual average**

III. WORKSHEET

One civil penalty action every ten years x $2,500 = $250 per year average

IV. ASSUMPTIONS

It is assumed that the director will average one civil penalty under this section every ten years.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.117 Prohibited Species. The commission proposes to amend subsections (2)(C) and (2)(D) of this rule.

PURPOSE: This amendment adds non-native round goby and tubenose goby to the prohibited species list to help prevent the introduction and spread of these invasive species to Missouri waters and corrects the scientific name for quagga mussel.

(2) For the purpose of this rule, prohibited species of wildlife shall include the following:

(C) Fishes: Live fish or viable eggs of black carp (*Mylopharyngodon piceus)*; **round goby (*Neogobius melanostomus*); tubenose goby (*Proterorhinus semilunaris*);** snakehead fish of the genera *Channa* or *Parachanna* (or the generic synonyms of *Bostrychoides, Ophicephalus, Ophiocephalus,* and *Parophio-cephalus)*; walking catfish of the family *Clariidae*; and

(D) Invertebrates: New Zealand mudsnail, *Potamopyrgus antipodarum*; rusty crayfish, *Orconectes rusticus*; marbled crayfish, *Procambarus marmorkrebs*; Australian crayfish of the genus *Cherax;* mitten crabs of the genus *Eriocheir;* zebra mussels, *Dreissena polymorpha;* quagga mussels, *Dreissena rostriformis [bugensis]*; mystery snails of the genus *Cipangopaludina*.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed April 20, 2005, effective Sept. 30, 2005. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 17, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at http://mdc.mo.gov/node/24141. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.610 Mussels and Clams. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment updates the currently accepted common name of Asian clam.

(1) Daily Limit: Five (5) in the aggregate. Limits apply to live and dead animals. Two (2) shell halves (valves) shall be considered one (1) mussel or clam. *[Asiatic clams]* **Asian clams** may be taken and possessed in any number.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. **and section 252.240, RSMo 2000.** Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 17, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at http://mdc.mo.gov/node/24141. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend section (2) of this rule.

PURPOSE: This amendment updates the currently accepted common name of Asian clam.

(2) Except for federally-designated endangered species and species listed in 3 CSR 10-4.117 and 3 CSR 10-9.240, the following may be bought, sold, possessed, transported, and exhibited without permit: *[Asiatic clams]* **Asian clams** (*Corbicula* species) taken from impoundments that are not waters of the state; bison; amphibians, reptiles, and mammals not native to Missouri; and those birds (except ring-necked pheasants and gray partridge) not native to the continental United States.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-4.110(5), (6), and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 17, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at http://mdc.mo.gov/node/24141. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.425 Wildlife Collector's Permit. The commission proposes to amend section (3) of this rule.

PURPOSE: This amendment identifies specific affiliated groups of the Missouri Department of Conservation that are exempted from this rule while operating, conducting, or participating in a department-authorized project or program.

(3) The wildlife collector's permit is not valid until signed by the permit holder. The permit is valid for one (1) year from January 1. The permit holder shall submit a wildlife collector's permit report to the department within thirty (30) days of the permit's expiration date. Issuance of permits for the following year shall be conditioned on compliance with this Code, specified conditions of the permit, and receipt of a satisfactory wildlife collector's permit report. *[Missouri]* **Stream Teams, Discover Nature Schools classes, and** *[D]***d**epartment *[of Conservation]* volunteers, working on **department** authorized **programs or** wildlife collection projects, are exempt from the requirements of this *[section]* **rule**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule was previously filed as 3 CSR 10-9.605. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Sept. 17, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at http://mdc.mo.gov/node/24141. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.625 Field Trial Permit. The commission proposes to amend section (5) of this rule.

PURPOSE: This amendment corrects a spelling error.

(5) Except as otherwise provided in this rule, permits will not be valid for hound field trials during or five (5) days prior to the spring turkey or firearms deer hunting seasons except on established field trial areas. Permits for raccoon field *[trails]* **trials** will be valid during nighttime hours and provide for casting no more than four (4) dogs at one time during or five (5) days prior to the spring turkey hunting season. In field trials under permit, wildlife not prohibited in 3 CSR 10-7.410 may be chased by dogs under control but may be pursued and taken only during the open seasons and only by persons possessing a valid hunting permit, except as provided in section (6) of this rule. The sponsoring organization shall issue identification bearing the field trial permit number to all persons without a valid hunting permit who enter dogs in a trial; provided, that this identification shall not be required for trials held entirely on one (1) contiguous tract of land where an agent of the department is provided with a complete list of the names and addresses of all participants before the trial.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. ***and section 252.240, RSMo 2000.*** *Original rule filed Aug. 27, 1975, effective Dec. 31, 1975. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed Sept. 17, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at http://mdc.mo.gov/node/24141. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to amend section (21) of this rule.

PURPOSE: This amendment will allow fall turkey hunting by archery methods on Saint Stanislaus Conservation Area.

(21) On Saint Stanislaus Conservation Area, hunting is permitted only during managed hunts or by holders of a valid area daily hunting tag, except that persons pursuing deer **and fall turkey** by archery methods are not required to possess a valid area daily hunting tag.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Sept. 17, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at http://mdc.mo.gov/node/24141. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 4—Conditions of Participant Participation, Rights and Responsibilities

PROPOSED AMENDMENT

13 CSR 70-4.080 State Children's Health Insurance Program. The division is amending the purpose and sections (2)–(14), deleting sections (3) and (4) and renumbering as necessary.

PURPOSE: This amendment revises the asset limits and qualifying time for the State Children's Health Insurance Program.

PURPOSE: This rule establishes components of the State Children's Health Insurance Program which will provide health care coverage to uninsured, low income children [pursuant to Senate Bill 632 enacted by the 89th General Assembly, 1998 and reauthorized by Senate Bill 577 enacted by the 94th General Assembly, 2007].

(2) An uninsured child/children in a family(ies) with gross income of more than one hundred fifty percent (150%) of the federal poverty level shall not have had health insurance *[for six (6) months]* prior to *[the month of]* application pursuant to 208.631, RSMo.

[(3) If a child/children in a family(ies) with gross income of more than one hundred fifty percent (150%) of the federal poverty level had health insurance and such health insurance coverage was dropped, within six (6) months prior to the month of application, the child is not eligible for coverage under this rule until six (6) months after coverage was dropped.

(4) The six (6)-month period of ineligibility would not apply to children who lose health insurance due to—

(A) A parent's or guardian's loss of employment due to factors other than voluntary termination;

(B) A parent's or guardian's employment with a new employer that does not provide an option for dependent coverage;

(C) Expiration of a parent's or guardian's dependent Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage period;

(D) Lapse of a child's (children's) health insurance when maintained by an individual other than custodial parent or guardian;

(E) Lapse of a child's (children's) health insurance when the lifetime maximum benefits under their private health insurance have been exhausted; or

(F) Lapse of a child's (children's) health insurance when the health insurance plan does not cover an eligible child's (children's) preexisting condition.]

*[(5)]***(3)** Parent(s) and guardian(s) of uninsured children with gross income of more than one hundred fifty percent (150%) but less than three hundred percent (300%) of the federal poverty level must certify, as a part of the application process, that the child does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage available to the parent(s) or guardian(s) through their association with an identifiable group (for example, a trade association, union, professional organization) or through the purchase of individual health insurance coverage. Access to affordable employer-sponsored health care insurance or other affordable health care coverage shall result in the applicant not being eligible for the Health Care for Uninsured Children program for the child/children in families with gross income of more than one hundred fifty percent (150%) but less than three hundred percent (300%) of the federal poverty level.

(A) For families with gross income of more than two hundred twenty-five percent (225%) but less than three hundred percent (300%) of the federal poverty level affordable employer-sponsored health care insurance or other affordable health care coverage is health insurance requiring a monthly dependent premium of five percent (5%) of two hundred twenty-five percent (225%) of the federal poverty level for a family of three (3).

(B) For families with gross income of more than one hundred eighty-five percent (185%) but less than two hundred twenty-six percent (226%) of the federal poverty level affordable employer-sponsored health care insurance or other affordable health care coverage is health insurance requiring a monthly dependent premium of four percent (4%) of one hundred eighty-five percent (185%) of the federal poverty level for a family of three (3).

(C) For families with gross income of more than one hundred fifty percent (150%) but less than one hundred eighty-six percent (186%) of the federal poverty level affordable employer-sponsored health care insurance or other affordable health care coverage is health insurance requiring a monthly dependent premium of three percent (3%) of one hundred fifty percent (150%) of the federal poverty level for a family of three (3).

*[(6)]***(4)** An uninsured child/children with gross income of more than two hundred twenty-five percent (225%) but less than three hundred percent (300%) of the federal poverty level shall be eligible for service(s) thirty (30) calendar days after the application is received if the required premium has been received. An uninsured child/children with gross income of more than one hundred fifty percent (150%) but less than two hundred twenty-six percent (226%) of the federal poverty level shall be eligible for services once the required premium has been received.

(A) Parent(s) or guardian(s) of uninsured children with gross income of more than one hundred fifty percent (150%) but less than one hundred eighty-six percent (186%) of the federal poverty level are responsible for a monthly premium equal to four percent (4%) of monthly income between one hundred fifty percent (150%) and one hundred eighty-five percent (185%) of the federal poverty level for the family size.

(B) Parent(s) or guardian(s) of uninsured children with gross income of more than one hundred eighty-five percent (185%) but less than two hundred twenty-six percent (226%) of the federal poverty level are responsible for a monthly premium equal to four percent (4%) of monthly income between one hundred fifty percent (150%) and one hundred eighty-five percent (185%) of the federal poverty level for the family size plus eight percent (8%) of monthly income between one hundred eighty-five percent (185%) and two hundred twenty-five percent (225%) of the federal poverty level for the family size.

(C) Parent(s) or guardian(s) of uninsured children with gross income of more than two hundred twenty-five percent (225%) but less than three hundred percent (300%) of the federal poverty level are responsible for a monthly premium equal to four percent (4%) of monthly income between one hundred fifty percent (150%) and one hundred eighty-five percent (185%) of the federal poverty level for the family size plus eight percent (8%) of monthly income between one hundred eighty-five percent (185%) and two hundred twenty-five percent (225%) of the federal poverty level for the family size plus fourteen percent (14%) of monthly income between two hundred twenty-five percent (225%) and three hundred percent (300%) of the federal poverty level for the family size.

(D) The monthly premium shall not exceed five percent (5%) of the family's gross income.

(E) The premium must be paid prior to service delivery.

(F) The premium notice shall include information on what to do if there is a change in gross income.

(G) No service(s) will be covered prior to the effective date which is thirty (30) calendar days after the date the application is received for uninsured children in families with an income of more than two hundred twenty-five percent (225%) of the federal poverty level.

*[(7)]***(5)** If the parent**(s)** or guardian**(s)** with an income of more than two hundred twenty-five percent (225%) of the federal poverty level fails to meet the premium payment requirements, a past due notice shall be sent requesting remittance within twenty (20) calendar days from date of the past due letter. Failure to make payment within this time period shall result in the child's ineligibility for coverage for *[six (6) months]* **ninety (90)-days**.

*[(8)]***(6)** Premium adjustments shall be calculated yearly in March with an effective date of July 1 of the same calendar year. Individuals

shall be notified of the change in premium amount at least thirty (30) days prior to the effective date.

*[(9)]***(7)** The *[six (6)-month waiting period and]* thirty (30)-calendar-day delay in service delivery is not applicable to a child/children already participating in the program when the parent's or guardian's income changes. Coverage shall be extended for sixty (60) calendar days to allow for premium collection and to ensure continuity in coverage. Coverage shall be discontinued for the child/children if the premium payment is not made within the sixty- (60-) day extension.

*[(10)]***(8)** Any child identified as having "special health care needs," defined as a condition which left untreated would result in the death or serious physical injury of a child, who does not have access to affordable employer-subsidized health care insurance shall not be required to be without health care coverage *[for six (6) months]* in order to be eligible for services under sections 208.631 to *[208.657]* **208.658**, RSMo and shall not be subject to the thirty- (30-) day waiting period required under section 208.646, RSMo, as long as the child meets all other qualifications for eligibility.

*[(11)]***(9)** The total aggregate premiums for a family covered by this rule shall not exceed five percent (5%) of the family's gross income for a twelve- (12-) month period of coverage beginning with the first month of service eligibility. Waiver of premiums shall be made upon notification and documentation from the family that payments for premiums have been made up to five percent (5%) of their yearly gross income.

[(12) Parent(s) and guardian(s) of uninsured children with gross income of more than one hundred fifty percent (150%) but less than three hundred percent (300%) of the federal poverty level must certify that their total net worth does not exceed two hundred fifty thousand dollars ($250,000) to be eligible for health insurance under this rule.

(13) For the purposes of this rule, children participating in the Missouri Health Insurance Pool are considered insured. Child/children whose parent(s) or guardian(s) drop Missouri Health Insurance Pool coverage in order to qualify under this rule shall not be eligible for six (6) months from the month coverage was terminated.]

*[(14)]***(10)** For the purposes of this rule, a child/children whose annual maximum benefits of a particular medical service under their private insurance has been exhausted is not considered insured and does not have access to affordable health insurance.

*AUTHORITY: sections 208.633, 208.636, 208.643, 208.646, 208.650, 208.655, and 208.657, RSMo 2000, and sections [208.201,] 208.631, 208.640, [and] 208.647, **and 208.658,** RSMo Supp. [2007] **2013**. Original rule filed July 15, 1998, effective Feb. 28, 1999. Emergency amendment filed Aug. 4, 2005, effective Sept. 1, 2005, expired Feb. 27, 2006. Amended: Filed April 29, 2005, effective Nov. 30, 2005. Amended: Filed Nov. 15, 2005, effective May 30, 2006. Emergency amendment filed June 15, 2006, effective July 1, 2006, expired Dec. 28, 2006. Amended: Filed June 15, 2006, effective Dec. 30, 2006. Amended: Filed Sept. 17, 2007, effective March 30, 2008. Amended: Filed Feb. 1, 2008, effective Aug. 30, 2008. Amended: Filed June 2, 2008, effective Nov. 30, 2008. Amended: Filed Sept. 25, 2014.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions five hundred seventy-eight thousand four hundred ninety-three dollars ($578,493) annually with adjustments for inflation for the life of the rule.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. **Department Title:** Title 13 - Department of Social Services
Division Title: Division 70 - MO HealthNet Division
Chapter Title: Chapter 4 - Conditions of Participant Participation, Rights and Responsibilities

Rule Number and Name:	13 CSR 70-4.080 State Children's Health Insurance Program
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	$578,493

III. WORKSHEET

Annual cost $578,493

General Revenue $149.425
Federal Funds $429,068

IV. ASSUMPTIONS

Less than 500 children each month lost Children's Health Insurance Program (CHIP) coverage for failure to pay a CHIP premium. The passage of HCS SB 508, CCS for HCS for SS for SB 754, and HCS for SS for SB 869 will allow these children to regain eligibility for CHIP coverage three months earlier than they could have previously.

493 total children for 175 services were paid fee for service for 318 services were paid for through managed care.

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

PROPOSED AMENDMENT

15 CSR 40-3.030 Annual Financial Reports of Political Subdivisions. The state auditor is amending sections (1), (2), (3), and (4).

PURPOSE: This amendment implements changes to section 302.341, RSMo Supp. 2013 which require annual financial reports filed with the state auditor pursuant to section 105.145, RSMo by political subdivisions to include the percentage of revenue obtained from fines and court costs from traffic violations through the political subdivision's municipal court.

(1) **An annual financial report shall be filed with the State Auditor's Office by every political subdivision.** The annual financial report *[of each political subdivision]* shall be set forth on the financial report form available from the State Auditor's Office and on its website, or may be in a form *[as]* determined by the political subdivision*[, but]* **which** shall contain, as a minimum, the following:

(E) A statement of the bonded indebtedness at the beginning and end of the reporting period; *[and]*

(F) The property tax rate levied for each fund expressed in cents per one hundred dollars ($100) assessed valuation*[.]*;

(G) The annual general operating revenue of the political subdivision; and

(H) The percentage of annual general operating revenue obtained from fines and court costs from traffic violations, including amended charges from any charged traffic violation, which occurs within the political subdivision and charged in the political subdivision's municipal court as defined by section 302.341, RSMo.

(2) In lieu of filing an annual financial report *[in the form described in section (1)]*, a political subdivision may file an independent audit report prepared by a certified public accountant **which, at a minimum, must contain the items listed in section (1) above**.

(3) Notwithstanding any other provision of this rule, a political subdivision whose cash receipts for the reporting period are ten thousand dollars ($10,000) or *[fewer]* **less** may file *[a]* **an annual** financial report in a form *[as]* determined by the political subdivision which need only contain the following:

(C) A summary of cash disbursements during the reporting period of each fund; *[and]*

(D) The cash balance at the end of the reporting period of each fund*[.]*;

(E) The annual general operating revenue of the political subdivision; and

(F) The percentage of annual general operating revenue obtained from fines and court costs from traffic violations, including amended charges from any charged traffic violation, which occurs within the political subdivision and charged in the political subdivision's municipal court as defined by section 302.341, RSMo.

(4) The annual financial report shall be mailed to the State Auditor's Office*[,]* **at** PO Box 869, Jefferson City, MO 65102, or emailed to PolySubFS@auditor.mo.gov.

*AUTHORITY: section 105.145, RSMo Supp. [2011] **2013**. Original rule filed Oct. 13, 1983, effective Jan. 13, 1984. Amended: filed June 29, 2006, effective Jan. 30, 2007. Amended: filed March 1, 2012, effective Aug. 30, 2012. Amended: Filed Sept. 23, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Auditor's Office, PO Box 869, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 51—Hemp Extraction Registration

PROPOSED RULE

19 CSR 20-51.010 Hemp Extraction Registration Card

PURPOSE: This rule establishes the application process for a hemp extract registration card.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions. For the purposes of this rule, the following definitions apply:

(A) "Applicant," a Missouri resident eighteen (18) years of age or older with intractable epilepsy or a Missouri resident eighteen (18) years of age or older who is the parent or legal guardian responsible for the medical care of a minor with intractable epilepsy, who is applying for a hemp extract registration card under this rule;

(B) "Department," the Department of Health and Senior Services;

(C) "Hemp extract," an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that—

1. Is composed of no more than three tenths percent (0.3%) tetrahydrocannabinol by weight;

2. Is composed of at least five percent (5%) cannabidiol by weight; and

3. Contains no other psychoactive substance.

(D) "Hemp extract registration card," a card issued by the department under section 192.945, RSMo;

(E) "Intractable epilepsy," epilepsy that as determined by a neurologist does not respond to three (3) or more treatment options overseen by the neurologist;

(F) "Neurologist," a physician who is licensed under Chapter 334, RSMo, and board certified in neurology;

(G) "Parent," a parent or legal guardian of a minor who is responsible for the minor's medical care;

(H) "Registrant," an individual to whom the department issues a hemp extract registration card under section 192.945, RSMo.

(2) Requirements for All Applicants.

(A) No person shall engage in any activity for which registration is required until the application for registration has been processed and the hemp extract registration card has been issued.

(B) Applications for registration and renewal shall be made on forms designated by the department.

(C) Applications shall contain the original signature of the applicant and shall be provided to the department.

(D) An application which does not contain or is not accompanied by the required information may be denied sixty (60) days after notifying the applicant of the deficiency.

(E) An application may be withdrawn by making a written request to the department.

(F) All applicants shall provide full, true, and complete answers on the application.

(3) Applications for Individual Registrations. Missouri residents eighteen (18) years of age or older who suffer from intractable epilepsy may apply for a hemp extract registration card. The application shall be made by completing the Missouri Hemp Extract Registration Card Application incorporated by reference in this rule as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. A complete application shall also include:

(A) A copy of the applicant's valid photo identification; and

(B) A completed Missouri Hemp Extract Registration Card Neurologist Certification form as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. The certification shall be consistent with a record from the neurologist attached to the Hemp Extract Card Registration Application.

(4) Applications by Parents or Legal Guardians of Minors. A Missouri resident eighteen (18) years of age or older who is the parent or legal guardian who is responsible for the medical care of a minor with intractable epilepsy may apply for a hemp extract registration card. The application shall be made by completing the Missouri Hemp Extract Registration Card Application incorporated by reference in this rule as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. A complete application shall also include:

(A) A copy of the parent's or legal guardian's valid photo identification; and

(B) A completed Missouri Hemp Extract Registration Card Neurologist Certification form as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions. The certification shall be consistent with a record from the neurologist attached to the Hemp Extract Card Registration Application.

(5) Hemp extract registrants may possess up to twenty (20) ounces of hemp extract. A registrant or applicant may request a waiver to the twenty (20) ounce limit by submitting a completed Missouri Hemp Extract Registration Card Certification for Waiver form as published by the department in October 2014 and available on the department's website at health.mo.gov or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570. This rule does not incorporate any subsequent amendments or additions.

(6) Registrants shall—

(A) Show their hemp extract registration card to the dispensing facility in order to obtain hemp extract, and allow the facility to make a photocopy of it; and

(B) Provide their hemp extract registration card to law enforcement upon request.

(7) Registrants shall not sell or otherwise transfer hemp extract or a hemp extract registration card to others except as authorized by law.

(8) Renewals. Registration cards shall be valid for one (1) year from the date of issuance and may be renewed if the registrant meets the requirements in this rule for an initial registration. A waiver issued pursuant to this rule is valid through the end of the registration period during which it was issued.

(9) Registration Card. The hemp extract registration card issued by the department shall contain the following information at minimum:

(A) The registration number;

(B) The registration expiration date;

(C) The registrant's name, date of birth, address, telephone number, and email address;

(D) The minor's name and date of birth if the registrant is the parent or legal guardian responsible for the medical care of the minor with intractable epilepsy;

(E) If applicable, indication that the registrant has a waiver under section 195.207.4, RSMo, allowing possession of more than twenty (20) ounces of hemp extract;

(F) This statement: This card shall not be transferred or altered; and

(G) This statement: This card certifies that the registrant has complied with the requirements for obtaining a hemp extract registration card under section 192.945, RSMo, and if noted on this card, the requirements for obtaining a waiver under section 195.207.4, RSMo. This card does not certify that the registrant is in compliance with any other laws and does not authorize the registrant to violate any laws.

(10) The department may deny or revoke a hemp extract registration card if—

(A) The applicant or registrant does not comply with section 192.945, RSMo, or this rule;

(B) The applicant or registrant supplies false or fraudulent information or documentation to the department;

(C) The applicant or registrant fails to notify the department within thirty (30) days of any change in legal name or address of the applicant, registrant, or patient;

(D) The applicant or registrant fails to notify the department within thirty (30) days that the applicant, registrant, or patient no longer meets the requirements for obtaining or holding a hemp extract registration card; or

(E) The registrant or another has altered the hemp extract registration card.

AUTHORITY: section 192.945, RSMo Supp. 2014, and section 192.006, RSMo 2000. Emergency rule filed Oct. 8, 2014, effective Oct. 18, 2014, expires April 15, 2015. Original rule filed Oct. 8, 2014.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions thirty-seven thousand three hundred forty-six dollars ($37,346) in the aggregate annually.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

I. Department Title: Health and Senior Services
Division Title: Division of Community and Public Health
Chapter Title: Hemp Extract Registration

Rule Number and Name:	19 CSR 20-51.010 Hemp Extract Registration Card
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Health and Senior Services	**$37,346.10 annually**

III. WORKSHEET

Staff Costs: $32,488

0.5 FTE Health Program Representative III Salary ($19,992)
Fringe @ 50% ($9,996)
Computer/Network Charges/Communication/General Office Supplies ($2,500)

Registration Card/Badge Printer: $4,000

Annualized Cost (includes initial purchase, software license/ upgrades, maintenance fee, and five year replacement) = $4,000

Registration Card Supplies: $487

Cards plus print cartridge supplies averages $.50 per card (974 x $0.50= 487)

Mailing of Registration Cards: $371.10

Postage rate of $0.381 per card (974 x $0.381 = 371.10)

IV. ASSUMPTIONS

- 0.5 FTE Health Program Representative III will be needed to administer the program, including development and maintenance of the registrant database and issuance of registrant cards.
- According to the National Institute of Neurological Disorders and Stroke, 1 in 100 Americans have epileptic seizures and of those, approximately 25-30% of them suffer from intractable epilepsy. Based on Missouri's population of 5.9 million, it is estimated that approximately 59,000 Missouri residents suffer from seizures and roughly 14,750-17,700 residents of Missouri suffer from intractable epilepsy.
- DHSS estimates that approximately 5% of the estimated 17,700 residents with intractable epilepsy will apply for a hemp extract registration card. (17,700 x .05 = 885).

- DHSS estimates that approximately 10% of the cards issued will need to be re-issued during the year due to change in patient information, obtainment of a waiver, and/or lost/damaged cards. (889 x .10 = 89)
- The registration period is annual.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety- (90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2013, and section 161.097, RSMo 2000, the board adopts a rule as follows:

5 CSR 20-400.450 Missouri Advisory Board for Educator Preparation (MABEP) **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 2, 2014 (39 MoReg 1075–1077). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, December 1, 2014.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:
• *Email:* kathy.hatfield@modot.mo.gov
• *Mail:* PO Box 893, Jefferson City, MO 65102-0893
• *Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
• *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

• By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
• *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Kathy J. Hatfield, Motor Carrier Investigations Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation
If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background
The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2013, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #219

New Applicant's Name & Age: Nathan Andrew Joiner, 34

Relevant Physical Condition: Vision Impairment.
Mr. Joiner has corrected visual acuity of 20/13 Snellen in the right eye and has corrected visual acuity of 20/50 Snellen in the left eye. Vision impairment due to trauma injury to the eye in 2007.

Relevant Driving Experience: Mr. Joiner has approximately three (3) years of commercial motor vehicle experience. Mr. Joiner currently has a Class E license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2014, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Joiner has had no tickets or accidents on record for the previous three (3) years.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: October 1, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations

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Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #223

New Applicant's Name & Age: Gary Dean Tipton, 59

Relevant Physical Condition: Insulin-treated diabetes mellitus (ITDM). Mr. Tipton has uncorrected visual acuity of 20/40 Snellen in each eye and has corrected visual acuity of 20/30 Snellen in both eyes. He has been ITDM since April 2014, with no glycemic reaction to date.

Relevant Driving Experience: Mr. Tipton has approximately thirty-eight (38) years of commercial motor vehicle experience. Mr. Tipton currently has a Class A CDL license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2014, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Tipton has had no tickets or accidents on record for the previous three (3) years.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

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Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

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Division 10—Missouri Highways and Transportation Commission
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Under section 622.555, RSMo Supp. 2013, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #155

Renewal Applicant's Name & Age: Paul Matthew Kincaid, 46

Relevant Physical Condition: Vision Impairment.
Mr. Kincaid has uncorrected visual acuity of 20/70 Snellen in the right eye and has uncorrected visual acuity of 20/20 Snellen in the left eye. He has been diagnosed as having a macular scar in his right eye resulting in partial blindness and this occurred from a trauma in 1987. He currently holds a valid SPE Certificate for Missouri and is applying for a renewal.

Relevant Driving Experience: Mr. Kincaid is currently employed as a dump truck driver. He has approximately twenty-six (26) years of commercial motor vehicle experience. Mr. Kincaid currently has a Class A CDL license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2014, a board-certified ophthalmologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Kincaid has had no tickets or accidents on record for the previous three (3) years.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

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The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2013, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #143

Renewal Applicant's Name & Age: Ryan R. Cornell, 38

Relevant Physical Condition: Vision Impairment.
Mr. Cornell has uncorrected visual acuity of 20/20 Snellen in his left eye and has corrected and uncorrected visual acuity of 20/80 Snellen in his right eye. He has amblyopia in his right eye that has been present since birth.

Relevant Driving Experience: Mr. Cornell has approximately twelve (12) years of commercial motor vehicle experience. Mr. Cornell currently has a Class B CDL license. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in August 2014, a board-certified optometrist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Cornell has had no tickets or accidents on record for the previous three (3) years.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: October 1, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 25—Motor Carrier Operations

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49

CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, December 1, 2014.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:
• *Email:* kathy.hatfield@modot.mo.gov
• *Mail:* PO Box 270, Jefferson City, MO 65102-0270
• *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65109
• *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

• By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
• *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Kathy J. Hatfield, Motor Carrier Investigations Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102-0270. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation
If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background
The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2013, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #149

Renewal Applicant's Name & Age: Ronald K. Dunnavant, 47

Relevant Physical Condition: Vision impaired.
Mr. Dunnavant's best corrected visual acuity in his right eye is 20/30 Snellen and his best corrected visual acuity in his left eye is 20/200 Snellen. Ronald has had amblyopia in his left eye since birth.

Relevant Driving Experience: Mr. Dunnavant is currently employed as a laborer, pipe fitter, and equipment operator for an electric company. He currently holds a Class A CDL license, and has approximately eighteen (18) years commercial motor vehicle driving experience. He drives personal vehicle(s) daily.

Doctor's Opinion and Date: Following an examination in September 2014, his optometrist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No accidents or violations on record for the previous three (3) years.

Request for Comments
The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: October 1, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the application listed below. A decision is tentatively scheduled for November 21, 2014. This application is available for public inspection at the address shown below:

Date Filed
Project Number: Project Name
City (County)
Cost, Description

10/08/14
#5110 HT: Heartland Regional Medical Center
St. Joseph (Buchanan County)
$1,119,920, Replace Cardiac Cath Lab

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by October 22, 2014. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102

For additional information contact
Karla Houchins, (573) 751-6403.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State. In addition, this list includes contractor(s) that have agreed to entry of an injunction permanently prohibiting them and any persons and entities related to them from engaging in, or having any involvement in, any business in Missouri.

Contractors Convicted of Violations of the Missouri Prevailing Wage Law

Name of Contractor	Name of Officers	Address	Date of Conviction	Debarment Period
Urban Metropolitan Development, LLC Case No. 12AO-CR01752 (Jasper County Cir. Ct.)		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	08/08/2013	08/08/2013 to 08/08/2014

Contractors Agreeing to Permanent Prohibition from Engaging In, or Having Any Involvement In, Any Business in Missouri

Name of Contractor	Name of Officers	Address	Date of Injunction	Debarment Period
Urban Metropolitan Development, LLC		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent
Troy Langley		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	09/27/2013	Permanent

Dated this 7th day of March 2014.

John E. Lindsey, Division Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST DTL PROPERTIES LLC

On October 1, 2014, DTL Properties LLC, a Missouri limited liability company, filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against DTL Properties LLC, you must submit a summary in writing of the circumstances surrounding your claim against DTL Properties LLC to: Bradshaw, Steele, Cochrane & Berens, L.C., Attn: Craig M. Billmeyer, 3113 Independence, P.O. Box 1300, Cape Girardeau, MO 63702-1300. The summary of your claim must include the following information: (1) the name, address and telephone number of the claimant, (2) the amount of the claim, (3) the date of the event on which the claim is based occurred, and (4) a brief description of the nature of the debt or the basis for the claim.

All claims against DTL Properties LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053
1 CSR 10-4.010	Commissioner of Administration	This Issue	This Issue		
1 CSR 10-15.010	Commissioner of Administration	This Issue	This Issue		
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-10.010	Animal Health	39 MoReg 1559	39 MoReg 1568		
2 CSR 70-14.005	Plant Industries	This Issue	This Issue		
2 CSR 70-14.010	Plant Industries	This Issue	This Issue		
2 CSR 70-14.020	Plant Industries	This Issue	This Issue		
2 CSR 70-14.030	Plant Industries	This Issue	This Issue		
2 CSR 70-14.040	Plant Industries	This Issue	This Issue		
2 CSR 70-14.050	Plant Industries	This Issue	This Issue		
2 CSR 70-14.060	Plant Industries	This Issue	This Issue		
2 CSR 70-14.070	Plant Industries	This Issue	This Issue		
2 CSR 70-14.080	Plant Industries	This Issue	This Issue		
2 CSR 70-14.090	Plant Industries	This Issue	This Issue		
2 CSR 70-14.100	Plant Industries	This Issue	This Issue		
2 CSR 70-14.110	Plant Industries	This Issue	This Issue		
2 CSR 70-14.120	Plant Industries	This Issue	This Issue		
2 CSR 70-14.130	Plant Industries	This Issue	This Issue		
2 CSR 70-14.140	Plant Industries	This Issue	This Issue		
2 CSR 70-14.150	Plant Industries	This Issue	This Issue		
2 CSR 70-14.160	Plant Industries	This Issue	This Issue		
2 CSR 70-14.170	Plant Industries	This Issue	This Issue		
2 CSR 70-14.180	Plant Industries	This Issue	This Issue		
2 CSR 70-14.190	Plant Industries	This Issue	This Issue		
2 CSR 80-2.010	State Milk Board		39 MoReg 1431		
2 CSR 80-2.020	State Milk Board		39 MoReg 1431		
2 CSR 80-2.030	State Milk Board		39 MoReg 1432		
2 CSR 80-2.040	State Milk Board		39 MoReg 1432		
2 CSR 80-2.050	State Milk Board		39 MoReg 1433		
2 CSR 80-2.060	State Milk Board		39 MoReg 1433		
2 CSR 80-2.070	State Milk Board		39 MoReg 1433		
2 CSR 80-2.080	State Milk Board		39 MoReg 1436		
2 CSR 80-2.091	State Milk Board		39 MoReg 1436		
2 CSR 80-2.101	State Milk Board		39 MoReg 1436		
2 CSR 80-2.110	State Milk Board		39 MoReg 1437		
2 CSR 80-2.121	State Milk Board		39 MoReg 1437		
2 CSR 80-2.130	State Milk Board		39 MoReg 1438		
2 CSR 80-2.141	State Milk Board		39 MoReg 1438		
2 CSR 80-2.151	State Milk Board		39 MoReg 1439		
2 CSR 80-2.161	State Milk Board		39 MoReg 1439		
2 CSR 80-2.170	State Milk Board		39 MoReg 1439		
2 CSR 80-2.180	State Milk Board		39 MoReg 1440		
2 CSR 80-2.181	State Milk Board		39 MoReg 1440		
2 CSR 80-3.060	State Milk Board		39 MoReg 1441		
2 CSR 80-3.120	State Milk Board		39 MoReg 1441		
2 CSR 80-3.130	State Milk Board		39 MoReg 1441		
2 CSR 80-4.010	State Milk Board		39 MoReg 1442		
2 CSR 80-5.010	State Milk Board		39 MoReg 1442		
2 CSR 90-10	Weights and Measures				38 MoReg 1241 39 MoReg 1399
2 CSR 90-10.001	Weights and Measures		39 MoReg 1199		
2 CSR 90-10.011	Weights and Measures		39 MoReg 1199		
2 CSR 90-10.020	Weights and Measures		39 MoReg 1200		
2 CSR 90-10.040	Weights and Measures		39 MoReg 1200		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.110	Conservation Commission		39 MoReg 1200		
3 CSR 10-4.117	Conservation Commission		This Issue		
3 CSR 10-6.550	Conservation Commission		39 MoReg 849	39 MoReg 1155	
3 CSR 10-6.610	Conservation Commission		This Issue		
3 CSR 10-7.433	Conservation Commission		39 MoReg 1265	39 MoReg 1576	
3 CSR 10-7.440	Conservation Commission		N.A.	39 MoReg 1576	
3 CSR 10-9.110	Conservation Commission		This Issue		
3 CSR 10-9.220	Conservation Commission		39 MoReg 1201		
3 CSR 10-9.353	Conservation Commission		39 MoReg 1209		
3 CSR 10-9.359	Conservation Commission		39 MoReg 1216		
3 CSR 10-9.425	Conservation Commission		This Issue		
3 CSR 10-9.560	Conservation Commission		39 MoReg 1220		
3 CSR 10-9.565	Conservation Commission		39 MoReg 1220		
3 CSR 10-9.566	Conservation Commission		39 MoReg 1224		
3 CSR 10-9.625	Conservation Commission		This Issue		
3 CSR 10-11.180	Conservation Commission		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 85-5.020	Division of Business and Community Services	39 MoReg 1113	39 MoReg 1442		
4 CSR 85-8.010	Division of Business and Community Services	38 MoReg 1925 39 MoReg 489T			
4 CSR 85-8.020	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-8.030	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-9.010	Division of Business and Community Services	38 MoReg 1935 39 MoReg 489T			
4 CSR 85-9.020	Division of Business and Community Services	38 MoReg 1936 39 MoReg 489T			
4 CSR 85-9.030	Division of Business and Community Services	38 MoReg 1937 39 MoReg 490T			
4 CSR 85-9.040	Division of Business and Community Services	38 MoReg 1947 39 MoReg 490T			
4 CSR 85-9.050	Division of Business and Community Services	38 MoReg 1954 39 MoReg 490T			
4 CSR 85-10.010	Division of Business and Community Services		39 MoReg 721		
4 CSR 85-10.020	Division of Business and Community Services		39 MoReg 723		
4 CSR 85-10.030	Division of Business and Community Services		39 MoReg 724		
4 CSR 85-10.040	Division of Business and Community Services		39 MoReg 725		
4 CSR 85-10.050	Division of Business and Community Services		39 MoReg 726		
4 CSR 85-10.060	Division of Business and Community Services		39 MoReg 728		
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 20-400.450	Division of Learning Services		39 MoReg 1075	This Issue	
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-2.140	Commissioner of Higher Education		39 MoReg 1029 39 MoReg 1568		
6 CSR 10-2.190	Commissioner of Higher Education		39 MoReg 1614		
6 CSR 10-6.040	Commissioner of Higher Education		39 MoReg 1614		
6 CSR 10-12.010	Commissioner of Higher Education		39 MoReg 1116		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-25.010	Missouri Highways and Transportation Commission				39 MoReg 1486 39 MoReg 1487 39 MoReg 1487 39 MoReg 1532 This Issue This Issue This Issue This Issue This Issue
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-5.220	Air Conservation Commission		39 MoReg 769	39 MoReg 1577	
10 CSR 10-6.040	Air Conservation Commission		39 MoReg 853	39 MoReg 1581	
10 CSR 10-6.110	Air Conservation Commission		39 MoReg 1509		
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees		39 MoReg 1443		
10 CSR 100-6.010	Petroleum Storage Tank Insurance Fund Board of Trustees		39 MoReg 1445		
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 30-14.010	Office of the Director		39 MoReg 1451		
11 CSR 45-1.090	Missouri Gaming Commission		39 MoReg 1451		
11 CSR 45-5.053	Missouri Gaming Commission	39 MoReg 1419	39 MoReg 1451		
11 CSR 45-5.090	Missouri Gaming Commission		39 MoReg 1452		
11 CSR 45-5.180	Missouri Gaming Commission		39 MoReg 1452		
11 CSR 45-5.183	Missouri Gaming Commission		39 MoReg 1453		
11 CSR 45-5.184	Missouri Gaming Commission		39 MoReg 1453		
11 CSR 45-5.185	Missouri Gaming Commission		39 MoReg 1455		
11 CSR 45-5.260	Missouri Gaming Commission		39 MoReg 1456		
11 CSR 45-5.265	Missouri Gaming Commission		39 MoReg 1456		
11 CSR 45-8.120	Missouri Gaming Commission		39 MoReg 1458		
11 CSR 45-8.140	Missouri Gaming Commission	39 MoReg 1420	39 MoReg 1458		
11 CSR 45-8.141	Missouri Gaming Commission	39 MoReg 1421	39 MoReg 1462		
11 CSR 45-8.142	Missouri Gaming Commission	39 MoReg 1422	39 MoReg 1464		
11 CSR 45-9.040	Missouri Gaming Commission	39 MoReg 1422	39 MoReg 1466		
11 CSR 45-9.104	Missouri Gaming Commission	39 MoReg 1423	39 MoReg 1466		
11 CSR 45-9.106	Missouri Gaming Commission		39 MoReg 1470		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 45-9.107	Missouri Gaming Commission	39 MoReg 1424	39 MoReg 1470		
11 CSR 45-9.108	Missouri Gaming Commission	39 MoReg 1425	39 MoReg 1472		
11 CSR 45-9.109	Missouri Gaming Commission	39 MoReg 1426	39 MoReg 1475		
11 CSR 45-9.111	Missouri Gaming Commission	39 MoReg 1426	39 MoReg 1478		
11 CSR 45-9.112	Missouri Gaming Commission	39 MoReg 1427	39 MoReg 1480		
11 CSR 45-9.116	Missouri Gaming Commission	39 MoReg 1428	39 MoReg 1482		
11 CSR 45-9.117	Missouri Gaming Commission	39 MoReg 1429	39 MoReg 1482		
11 CSR 45-9.118	Missouri Gaming Commission	39 MoReg 1429	39 MoReg 1482		
11 CSR 45-10.040	Missouri Gaming Commission		39 MoReg 1569		
	DEPARTMENT OF REVENUE				
12 CSR 40-10.010	State Lottery		39 MoReg 1348		
12 CSR 40-10.040	State Lottery		39 MoReg 1348		
12 CSR 40-10.070	State Lottery		39 MoReg 1349		
12 CSR 40-15.010	State Lottery		39 MoReg 1349		
12 CSR 40-20.010	State Lottery		39 MoReg 1349		
12 CSR 40-20.020	State Lottery		39 MoReg 1349		
12 CSR 40-20.030	State Lottery		39 MoReg 1350		
12 CSR 40-20.040	State Lottery		39 MoReg 1350		
12 CSR 40-30.180	State Lottery		39 MoReg 1351		
12 CSR 40-40.010	State Lottery		39 MoReg 1351		
12 CSR 40-40.012	State Lottery		39 MoReg 1351		
12 CSR 40-40.015	State Lottery		39 MoReg 1352		
12 CSR 40-40.020	State Lottery		39 MoReg 1352		
12 CSR 40-40.030	State Lottery		39 MoReg 1352		
12 CSR 40-40.040	State Lottery		39 MoReg 1353		
12 CSR 40-40.050	State Lottery		39 MoReg 1353		
12 CSR 40-40.060	State Lottery		39 MoReg 1353		
12 CSR 40-40.070	State Lottery		39 MoReg 1353		
12 CSR 40-40.071	State Lottery		39 MoReg 1354		
12 CSR 40-40.080	State Lottery		39 MoReg 1354		
12 CSR 40-40.090	State Lottery		39 MoReg 1354		
12 CSR 40-40.110	State Lottery		39 MoReg 1355		
12 CSR 40-40.120	State Lottery		39 MoReg 1355		
12 CSR 40-40.150	State Lottery		39 MoReg 1355		
12 CSR 40-40.160	State Lottery		39 MoReg 1356		
12 CSR 40-40.170	State Lottery		39 MoReg 1356		
12 CSR 40-40.180	State Lottery		39 MoReg 1356		
12 CSR 40-40.190	State Lottery		39 MoReg 1357R		
12 CSR 40-40.210	State Lottery		39 MoReg 1357		
12 CSR 40-40.220	State Lottery		39 MoReg 1357		
12 CSR 40-40.240	State Lottery		39 MoReg 1358		
12 CSR 40-40.250	State Lottery		39 MoReg 1358		
12 CSR 40-40.260	State Lottery		39 MoReg 1358		
12 CSR 40-40.270	State Lottery		39 MoReg 1359		
12 CSR 40-50.010	State Lottery		39 MoReg 1359		
12 CSR 40-50.030	State Lottery		39 MoReg 1360		
12 CSR 40-50.050	State Lottery		39 MoReg 1360		
12 CSR 40-60.020	State Lottery		39 MoReg 1360		
12 CSR 40-60.030	State Lottery		39 MoReg 1361		
12 CSR 40-60.040	State Lottery		39 MoReg 1361		
12 CSR 40-60.050	State Lottery		39 MoReg 1361		
12 CSR 40-70.010	State Lottery		39 MoReg 1362		
12 CSR 40-70.020	State Lottery		39 MoReg 1362		
12 CSR 40-70.030	State Lottery		39 MoReg 1362		
12 CSR 40-70.050	State Lottery		39 MoReg 1363		
12 CSR 40-70.080	State Lottery		39 MoReg 1363		
12 CSR 40-80.010	State Lottery		39 MoReg 1363		
12 CSR 40-80.020	State Lottery		39 MoReg 1364		
12 CSR 40-80.030	State Lottery		39 MoReg 1364		
12 CSR 40-80.050	State Lottery		39 MoReg 1364		
12 CSR 40-80.090	State Lottery		39 MoReg 1365		
12 CSR 40-80.100	State Lottery		39 MoReg 1365		
12 CSR 40-80.110	State Lottery		39 MoReg 1366		
12 CSR 40-80.120	State Lottery		39 MoReg 1366		
12 CSR 40-80.130	State Lottery		39 MoReg 1366		
12 CSR 40-85.005	State Lottery		39 MoReg 1366		
12 CSR 40-85.010	State Lottery		39 MoReg 1367		
12 CSR 40-85.020	State Lottery		39 MoReg 1368R		
12 CSR 40-85.030	State Lottery		39 MoReg 1368		
12 CSR 40-85.050	State Lottery		39 MoReg 1368		
12 CSR 40-85.055	State Lottery		39 MoReg 1369		
12 CSR 40-85.060	State Lottery		39 MoReg 1369		
12 CSR 40-85.070	State Lottery		39 MoReg 1369		
12 CSR 40-85.080	State Lottery		39 MoReg 1370		
12 CSR 40-85.090	State Lottery		39 MoReg 1370		
12 CSR 40-85.100	State Lottery		39 MoReg 1371		
12 CSR 40-85.140	State Lottery		39 MoReg 1371		
12 CSR 40-85.170	State Lottery		39 MoReg 1371		
12 CSR 40-85.175	State Lottery		39 MoReg 1372		
12 CSR 40-90.110	State Lottery		39 MoReg 1372		
12 CSR 40-95.010	State Lottery		39 MoReg 1372		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 40-7.035	Family Support Division		39 MoReg 1029	39 MoReg 1485	
13 CSR 40-13.030	Family Support Division		39 MoReg 1483		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 70-1.020	MO HealthNet Division		39 MoReg 854	39 MoReg 1524	
13 CSR 70-3.030	MO HealthNet Division		39 MoReg 1519		
13 CSR 70-4.080	MO HealthNet Division		This Issue		
13 CSR 70-10.016	MO HealthNet Division		39 MoReg 1373		
13 CSR 70-10.160	MO HealthNet Division		39 MoReg 1519		
13 CSR 70-15.010	MO HealthNet Division	39 MoReg 1259	39 MoReg 1265		
13 CSR 70-15.110	MO HealthNet Division	39 MoReg 1260	39 MoReg 1269		
13 CSR 70-65.010	MO HealthNet Division		39 MoReg 1519		
13 CSR 70-100.010	MO HealthNet Division		39 MoReg 1520		
	ELECTED OFFICIALS				
15 CSR 30-45.030	Secretary of State		39 MoReg 1484		
15 CSR 40-3.030	State Auditor		This Issue		
	RETIREMENT SYSTEMS				
16 CSR 10-4.014	The Public School Retirement System of Missouri		39 MoReg 1078	39 MoReg 1525	
16 CSR 10-4.018	The Public School Retirement System of Missouri		39 MoReg 1079	39 MoReg 1525	
16 CSR 10-5.030	The Public School Retirement System of Missouri		39 MoReg 1079	39 MoReg 1526	
16 CSR 10-6.045	The Public School Retirement System of Missouri		39 MoReg 1080	39 MoReg 1526	
16 CSR 10-6.055	The Public School Retirement System of Missouri		39 MoReg 1081	39 MoReg 1526	
16 CSR 10-6.090	The Public School Retirement System of Missouri		39 MoReg 1082	39 MoReg 1526	
	BOARDS OF POLICE COMMISSIONERS				
17 CSR 10-2.040	Kansas City Board of Police Commissioners		39 MoReg 1376		
17 CSR 10-2.050	Kansas City Board of Police Commissioners		39 MoReg 1379		
17 CSR 10-2.055	Kansas City Board of Police Commissioners		39 MoReg 1382		
	PUBLIC DEFENDER COMMISSION				
18 CSR 10-5.010	Office of State Public Defender		39 MoReg 1275		
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 20-12.010	Division of Community and Public Health		39 MoReg 1569		
19 CSR 20-51.010	Division of Community and Public Health	This Issue	This Issue		
19 CSR 60-50	Missouri Health Facilities Review Committee				39 MoReg 1533 This Issue
19 CSR 60-50.400	Missouri Health Facilities Review Committee		39 MoReg 861	39 MoReg 1526W	
19 CSR 60-50.410	Missouri Health Facilities Review Committee		39 MoReg 863	39 MoReg 1526	
19 CSR 60-50.415	Missouri Health Facilities Review Committee		39 MoReg 863	39 MoReg 1527W	
19 CSR 60-50.420	Missouri Health Facilities Review Committee		39 MoReg 866	39 MoReg 1528	
19 CSR 60-50.430	Missouri Health Facilities Review Committee		39 MoReg 866	39 MoReg 1529	
19 CSR 60-50.440	Missouri Health Facilities Review Committee		39 MoReg 867	39 MoReg 1530	
19 CSR 60-50.450	Missouri Health Facilities Review Committee		39 MoReg 868	39 MoReg 1530W	
19 CSR 60-50.600	Missouri Health Facilities Review Committee		39 MoReg 868	39 MoReg 1530W	
19 CSR 60-50.700	Missouri Health Facilities Review Committee		39 MoReg 868	39 MoReg 1530W	
	DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION				
20 CSR	Applied Behavior Analysis Maximum Benefit				38 MoReg 432 39 MoReg 692
20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 167
20 CSR	Sovereign Immunity Limits				39 MoReg 167
20 CSR	State Legal Expense Fund Cap				39 MoReg 167
20 CSR 2110-1.010	Missouri Dental Board				39 MoReg 1533
20 CSR 2110-2.170	Missouri Dental Board	39 MoReg 1343	39 MoReg 1385		
20 CSR 2150-9.080	State Board of Registration for the Healing Arts		39 MoReg 1224	39 MoReg 1531	
20 CSR 2205-1.050	Missouri Board of Occupational Therapy		39 MoReg 1388		
20 CSR 2220-4.010	State Board of Pharmacy	39 MoReg 1343	39 MoReg 1391		
20 CSR 2245-5.020	Real Estate Appraisers				39 MoReg 1582
	MISSOURI CONSOLIDATED HEALTH CARE PLAN				
22 CSR 10-2.094	Health Care Plan	39 MoReg 1559R 39 MoReg 1560 39 MoReg 1612T	39 MoReg 1572R 39 MoReg 1572		
22 CSR 10-2.120	Health Care Plan	39 MoReg 1561R 39 MoReg 1562	39 MoReg 1573R 39 MoReg 1574		
22 CSR 10-2.130	Health Care Plan	38 MoReg 1359R	38 MoReg 1420R	38 MoReg 2096R	

Agency		Publication	Effective	Expiration
Office of Administration				
Commissioner of Administration				
1 CSR 10-4.010	Vendor Payroll Deductions	This Issue	Jan. 1, 2015	June 29, 2015
1 CSR 10-15.010	Cafeteria Plan	This Issue	Jan. 1, 2015	June 29, 2015
Department of Agriculture				
Animal Health				
2 CSR 30-10.010	Inspection of Meat and Poultry	39 MoReg 1559	Aug. 28, 2014	Feb. 26, 2015
Plant Industries				
2 CSR 70-14.005	Preemption of All Ordinances and Rules of Political Subdivisions	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.010	Definitions	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.020	Application for a Cultivation and Production Facility License	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.030	Supporting Forms, Documents, Plans, and Other Information to be Submitted with the Applicant's Application for a Cultivation and Production Facility License	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.040	Application–Selection Criteria	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.050	Retention of the Application and Supporting Forms, Documents, Plan, and Other Information Submitted by the Applicant	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.060	Rejection of Cultivation and Production Facility Application Request for Licensure and the Revocation or Suspension of a License	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.070	Cultivation and Production Facility License Expiration	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.080	License Not Transferable and Request to Modify or Alter License	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.090	Cultivation and Production Facility License Stipulations and Requirements	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.100	Requirements for Production, Manufacture, Storage, Transportation, and Testing of Hemp and Hemp Extract	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.110	Hemp Monitoring System Records to be Maintained for Manufacture, Storage, Testing, and Distribution of Hemp and Hemp Extract	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.120	Packaging and Labeling of Hemp and Hemp Extract	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.130	Cultivation and Production Facility and Cannabidiol Oil Care Center Security Measures, Reportable Events, and Records to be Maintained	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.140	Waste Disposal of Unusable Hemp and Hemp Extract	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.150	Pesticide Record Keeping Requirements	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.160	Inspection of Premises and Facility of License Holder, Samples Collected for Analysis, Issuance of Search Warrant, and Powers of Director During Investigation or Hearing, When the Director May Report Violations to Prosecuting Attorney for Action	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.170	Stop Sale, Use, or Removal Orders	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.180	Revocation, Suspension, or Modification of a Cultivation and Production Facility License	This Issue	Oct. 18, 2014	April 15, 2015
2 CSR 70-14.190	Penalty for Violations of the Act or Any Regulation Issued Thereunder	This Issue	Oct. 18, 2014	April 15, 2015
Department of Economic Development				
Division of Business and Community Services				
4 CSR 85-5.020	Preliminary Application	39 MoReg 1113	May 15, 2014	Feb. 24, 2015

Agency		Publication	Effective	Expiration
Department of Public Safety				
Missouri Gaming Commission				
11 CSR 45-5.053	Policies	39 MoReg 1419	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-8.140	Application and Verification Procedures for Granting Credit	39 MoReg 1420	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-8.141	Approval of Credit Limits	39 MoReg 1421	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-8.142	Documentation of Customer Credit Transactions	39 MoReg 1422	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.040	Commission Approval of Internal Control System	39 MoReg 1422	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.104	Minimum Internal Control Standards (MICS)–Chapter D	39 MoReg 1423	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.107	Minimum Internal Control Standards (MICS)–Chapter G	39 MoReg 1424	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.108	Minimum Internal Control Standards (MICS)–Chapter H	39 MoReg 1425	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.109	Minimum Internal Control Standards (MICS)–Chapter I	39 MoReg 1426	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.111	Minimum Internal Control Standards (MICS)–Chapter K	39 MoReg 1426	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.112	Minimum Internal Control Standards (MICS)–Chapter L	39 MoReg 1427	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.116	Minimum Internal Control Standards (MICS)–Chapter P	39 MoReg 1428	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.117	Minimum Internal Control Standards (MICS)–Chapter Q	39 MoReg 1428	Aug. 28, 2014	Feb. 26, 2015
11 CSR 45-9.118	Minimum Internal Control Standards (MICS)–Chapter R	39 MoReg 1429	Aug. 30, 2014	Feb. 28, 2015
Department of Revenue				
Director of Revenue				
12 CSR 10-40.010	Annual Adjusted Rate of Interest	Dec. 1, 2014 Issue	Jan. 1, 2015	June 29, 2015
Department of Social Services				
Family Support Division				
13 CSR 40-13.030	Adjustment of Blind Pension Payments	Next Issue	Oct. 18, 2014	April 15, 2015
MO HealthNet Division				
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	39 MoReg 1259	July 1, 2014	Dec. 27, 2014
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	39 MoReg 1260	July 1, 2014	Dec. 27, 2014
Department of Health and Senior Services				
Division of Community and Public Health				
19 CSR 20-51.010	Hemp Extract Registration Card	This Issue	Oct. 18, 2014	April 15, 2015
Department of Insurance, Financial Institutions and Professional Registration				
Missouri Dental Board				
20 CSR 2110-2.170	Fees	39 MoReg 1343	July 18, 2014	Feb. 26, 2015
State Board of Pharmacy				
20 CSR 2220-4.010	General Fees	39 MoReg 1343	July 18, 2014	Feb. 26, 2015
Missouri Consolidated Health Care Plan				
Health Care Plan				
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations (Res)	39 MoReg 1559	Oct. 1, 2014	March 29, 2015
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations	39 MoReg 1560	Oct. 1, 2014	March 29, 2015
22 CSR 10-2.120	Wellness Program (Res)	39 MoReg 1561	Oct. 1, 2014	March 29, 2015
22 CSR 10-2.120	Wellness Program	39 MoReg 1562	Oct. 1, 2014	March 29, 2015

Executive Orders	Subject Matter	Filed Date	Publication
	2014		
14-11	Establishes the Office of Community Engagement.	Sept. 18, 2014	This Issue
14-10	Terminates Executive Orders 14-08 and 14-09.	Sept. 3, 2014	39 MoReg 1613
14-09	Activates the state militia in response to civil unrest in the City of Ferguson and authorizes the superintendent of the Missouri State Highway Patrol to maintain peace and order.	Aug. 18, 2014	39 MoReg 1566
14-08	Declares a state of emergency exists in the state of Missouri and directs the Missouri State Highway Patrol to command all operations necessary in the city of Ferguson, further orders other law enforcement to assist the patrol when requested, and imposes a curfew.	Aug. 16, 2014	39 MoReg 1564
14-07	Establishes the Disparity Study Oversight Review Committee.	July 2, 2014	39 MoReg 1345
14-06	Orders that the Division of Energy develop a comprehensive State Energy Plan to chart a course toward a sustainable and prosperous energy future that will create jobs and improve Missourians' quality of life.	June 18, 2014	39 MoReg 1262
14-05	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 11, 2014	39 MoReg 1114
14-04	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	April 3, 2014	39 MoReg 1027
14-03	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	March 20, 2014	39 MoReg 958
14-02	Orders the Honor and Remember Flag be flown at the State Capitol each Armed Forces Day, held on the third Saturday of each May.	March 20, 2014	39 MoReg 956
14-01	Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491
	2013		
13-14	Orders the Missouri Department of Revenue to follow sections 143.031.1 and 143.091, RSMo, and require all taxpayers who properly file a joint federal income tax return to file a combined state income tax return.	Nov. 14, 2013	38 MoReg 2085
13-13	Advises that state offices will be closed on Friday November 29, 2013.	Nov. 1, 2013	38 MoReg 1859
13-12	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
13-11	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
13-10	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465

Executive Orders	Subject Matter	Filed Date	Publication
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461

The rule number and the MoReg publication date follow each entry to this index.

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